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Amending Sections 2, 13, and 14 of the Seamen's Act

HEARINGS

BEFORE THE

COMMITTEE ON THE
MERCHANT MARINE AND FISHERIES

HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH CONGRESS

FIRST SESSION

ON

H. R. 3716

MAY 2, 3, 4, 5, 6, 7, AND 9, 1921



WASHINGTON
GOVERNMENT PRINTING OFFICE



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COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

HOUSE OF REPRESENTATIVES.

SIXTY-SEVENTH CONGRESS.

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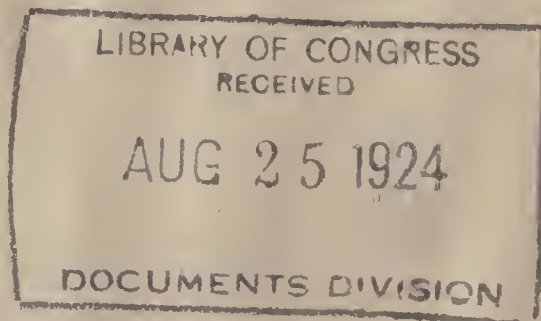
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AMENDING SECTIONS 2, 13, AND 14 OF THE SEAMEN'S ACT.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Monday, May 2, 1921.

The committee met at 10.30 o'clock a. m., Hon. William S. Greene (chairman) presiding.

The CHAIRMAN. The committee has before it the bill introduced by Mr. Scott, H. R. 3716, to amend the seamen's act, which can be incorporated in the record at this point.

(The bill is as follows:)

[H. R. 3716, 67th Cong., 1st sess.]

A BILL To amend sections 2, 13, and 14 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 2, 13, and 14 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915, be, and the same are hereby, amended as follows:

SEC. 2. That section 2 of the said act be amended to read as follows:

"SEC. 2. That in all merchant vessels of the United States of more than 100 tons gross, where the continuous run is 16 hours or more, excepting those navigating rivers, harbors, bays, or sounds, exclusively, the sailors, oilers, and water tenders shall, while at sea, be divided into at least two watches and the firemen into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel: *Provided*, That all merchant vessels of the United States of more than 100 tons gross, where the continuous run is more than 8 hours and less than 16 hours, excepting those navigating rivers, harbors, bays, or sounds, exclusively, the sailors, oilers, water tenders, and firemen shall, while at sea, be divided into at least two watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel. The seamen shall not be shipped to work alternately in the fire-room and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa, but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole or any part of the crew are needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea from requiring the whole or any part of the crew to participate in the performance of fire, life-boat, and other drills. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. And at all times while such

vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section, the seamen shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels or yachts."

SEC. 3. That section 13 of said act be amended as follows:

"SEC. 13. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes, and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seamen: *Provided*, That on the Great Lakes and their connecting waters certificated lifeboat men may be used in lieu of able seamen. Every person shall be rated an able seaman and qualified for service as such on the seas who is 19 years of age or upward and has had at least three years' service on deck at sea or on the Great Lakes on a vessel, or vessels, to which this section applies, including decked fishing vessels, naval vessels, or Coast Guard vessels; and every person shall be rated an able seaman and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds who is 19 years of age or upward and has had at least 18 months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or Coast Guard vessels; and graduates of school ships approved by and conducted under the rules prescribed by the Secretary of Commerce may be rated able seamen after 12 months' service at sea: *Provided further*, That upon examination, under rules prescribed by the Department of Commerce, as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent: *Provided further*, That upon examination, under rules prescribed by the Department of Commerce, as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship, a person found competent may be rated as able seaman after having served on deck 12 months at sea or on the Great Lakes, but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel: *And provided further*, That on the Great Lakes and their connecting waters certificated lifeboat men may be used in lieu of able seamen in the manning of lifeboats and life rafts.

"Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificate under the provisions of this section, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

"Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued, and shall keep on file the affidavits upon which said certificates are issued.

"The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him at least six hours before the vessel departs, or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury, and upon conviction thereof shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than \$100 and not more than \$500: *And provided further*, That the

Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the board of supervising inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section."

SEC. 4. That the paragraph under section 14 of said act with reference to life boat and raft requirements for passenger vessels operating on the Great Lakes be amended to read as follows:

"At no moment of its voyage may any passenger steam vessel of the United States on the Great Lakes, on routes more than 3 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodation is provided in lifeboats and pontoon liferafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 50 per cent of the persons on board. The number and type of such lifeboats and liferafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 1 to October 15, inclusive, any such steamer on routes more than 3 miles offshore, but not more than 10 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, shall be required to carry accommodation for not less than 25 per cent of persons on board in lifeboats and pontoon liferafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided further*, That during the interval from May 1 to October 15, inclusive, any such steamer on routes more than 10 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, shall be required to carry accommodation for not less than 50 per cent of persons on board, in lifeboats and pontoon rafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *And provided further*, That all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes, or for service from October 15 to May 1 on the Great Lakes on routes more than 3 miles offshore, shall be built to carry, and shall carry, enough lifeboats and liferafts to accommodate all persons on board, including passengers and crew: *And provided further*, That not more than 25 per cent of such equipment may be in pontoon liferafts or collapsible lifeboats."

SEC. 5. That the paragraph of section 14 of said act under the caption, "Certificated lifeboat men—manning of the boats," be amended to read as follows:

"There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows: If the boat or raft carries 25 persons or less, the minimum number of certificated lifeboat men shall be 1; if the boat or raft carries 26 persons or less than 41 persons, the minimum number of certificated lifeboat men shall be 2; if the boat or raft carries 41 persons and less than 61 persons, the minimum number of certificated lifeboat men shall be 3; if the boat or raft carries from 61 to 85 persons, the minimum number of certificated lifeboat men shall be four; if the boat or raft carries from 86 to 110 persons, the minimum number of certificated lifeboat men shall be 5; if the boat or raft carries from 111 to 160 persons, the minimum number of certificated lifeboat men shall be 6; if the boat or raft carries from 161 to 210 persons, the minimum number of certificated lifeboat men shall be 7; and, thereafter, one additional certificated lifeboat man for each additional 50 persons: *Provided*, That if the raft carries 15 persons or less, a licensed officer, able seaman, or certificated lifeboat man need not be placed in charge of such raft: *Provided further*, That on the Great Lakes and their connecting waters, rafts carried need not have a capacity of exceeding 15 persons.

"The allocation of the able seamen or certificated lifeboat men to each boat and raft remains within the discretion of the master, according to the circumstances.

"By 'certificated lifeboat man' is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Secretary of Commerce, who is hereby directed to provide for the issue of such certificates.

"In order to obtain the special lifeboat man's certificate, the applicant must prove to the satisfaction of an officer designated by the Secretary of Com-

merce that he has been trained in all the operations connected with the launching of lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service.

"Section 4463 of the Revised Statutes as amended is hereby amended by adding the words 'including certificated lifeboat men, separately stated,' to the word 'crew' wherever it occurs."

SEC. 6. That the paragraph of section 14 under the caption, "Manning of boats," be amended to read as follows:

"A licensed officer, able seaman, or certificated lifeboat man shall be placed in charge of each boat or pontoon raft; he shall have a list of its lifeboat men and other members of its crew which shall be sufficient for its safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

"A man capable of working the motors shall be assigned to each motor boat.

"The duty of seeing that the boats, pontoon rafts, and other life-saving appliances at all times are ready for use shall be assigned to one or more officers."

The CHAIRMAN. In order that we may understand the bill fully, it would be well to incorporate here the seamen's act as amended.

(The seamen's act is here printed in full, as follows:)

SEAMEN'S ACT AS AMENDED.

[PUBLIC—No. 302—63D CONGRESS.]

[S. 136.]

AN ACT To promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. This section shall not apply to fishing or whaling vessels or yachts."

SEC. 2. That in all merchant vessels of the United States of more than 100 tons gross, excepting those navigating rivers, harbors, bays, or sounds exclusively, the sailors shall, while at sea, be divided into at least two, and the firemen, oilers, and water tenders into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel. The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole or any part of the crew are needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, and other drills. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. And at all times while such vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section the seamen shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels or yachts.

SEC. 3. That section 4529 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4529. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and in case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within 24 hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage."

SEC. 4. That section 4530 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the wages which he shall have then earned at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended and all stipulations in the contract to the contrary shall be void: *Provided*, Such a demand shall not be made before the expiration of nor oftener than once in five days. Any failure on the part of the master to comply with this demand shall release the seaman from his contract, and he shall be entitled to full payment of wages earned. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided by section 4529 of the Revised Statutes: *Provided further*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: *And provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement."

SEC. 5. That section 4559 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4559. Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon, in any of these or like cases the consul or a commercial agent who may discharge any of the duties of a consul shall cause to be appointed three persons of like qualifications with those described in section 4557, who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section."

SEC. 6. That section 2 of the act entitled "An act to amend the laws relating to navigation," approved March 3, 1897, be, and is hereby, amended to read as follows:

"SEC. 2. That on all merchant vessels of the United States the construction of which shall be begun after the passage of this act, except yachts, pilot boats, or vessels of less than 100 tons register, every place appropriated to the crew of the vessel shall have a space of not less than 120 cubic feet and not less than 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein, and each seaman shall have a separate berth and not more than one berth shall be placed one above another; such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

"That in addition to the space allotment for lodgings hereinbefore provided, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports, and which carry a crew of twelve or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one bunk for every 12 seamen, constituting her crew, provided that not more than six bunks shall be required in any case.

"Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room for such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

"All merchant vessels of the United States, the construction of which shall be begun after the passage of this act having more than 10 men on deck must have at least one light, clean, and properly ventilated washing place. There shall be provided at least one washing outfit for every two men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fireroom and engine-room men, if their number exceed 10, which shall be large enough to accommodate at least one-sixth of them at the same time, and have hot and cold water supply and a sufficient number of wash basins, sinks, and shower baths.

"Any failure to comply with this section shall subject the owner or owners of such vessel to a penalty of not less than \$50 nor more than \$500: *Provided*, That forecastles shall be fumigated at such intervals as may be provided by regulations to be issued by the Surgeon General of the Public Health Service, with the approval of the Department of Commerce, and shall have at least two exits, one of which may be used in emergencies."

SEC. 7. That section 4596 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4596. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses he shall be punished as follows:

"First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

"Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

"Third. For quitting the vessel without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than three months, at the discretion of the court.

"Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal

in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than 12 months.

"Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than 12 months."

SEC. 8. That section 4600 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused, the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

SEC. 9. That section 4611 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable, provided he has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port. Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or vessel or the owner of the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer."

SEC. 10. That section 23 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended as regards the items of water and butter, so that in lieu of a daily requirement of 4 quarts of water there shall be a requirement of 5 quarts of water every day, and in lieu of a daily requirement of 1 ounce of butter there shall be a requirement of 2 ounces of butter every day.

SEC. 11. That section 24 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended to read as follows:

"SEC. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886 be, and is hereby, amended to read as follows:

"SEC. 10 (a) That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment, as seaman, or

from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

“(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

“(c) That no allotment shall be valid unless in writing and signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

“(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding \$500 or imprisonment not exceeding six months, at the discretion of the court.

“(e) That this section shall apply as well to foreign vessels while in waters of the United States as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

“(f) That the master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

“(f) That under the direction of the Secretary of Commerce the Commissioner of Navigation shall make regulations to carry out this section.”

SEC. 12. That no wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to seamen: *Provided*, That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children. Section 4536 of the Revised Statutes of the United States is hereby repealed.

SEC. 13. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes, and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessels, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman. Every person shall be rated an able seaman and qualified for service as such on the seas who is 19 years of age or upward and has had at least three years' service on deck at sea or on the Great Lakes on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or Coast Guard vessels; and every person shall be rated an able seaman and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds who is 19 years of age or upward and has had at least 18 months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessel, or Coast Guard vessels; and graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after 12 months' service at sea: *Provided*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, and physical condition, such persons or gradu-

ates are found to be competent: *Provided further*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship, a person found competent may be rated as able seaman after having served on deck 12 months at sea or on the Great Lakes; but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificate under the provisions of this section, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as *prima facie* evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than \$100 and not more than \$500: *And provided further*, That the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section.

SEC. 14. That section 4483 of the Revised Statutes is hereby amended by adding thereto the following: "The powers bestowed by this section upon the Board of Supervising Inspectors in respect of lifeboats, floats, rafts, life preservers, and other life-saving appliances and equipment, and the further requirements herein as to davits, embarkation of passengers in lifeboats and rafts, and the manning of lifeboats and rafts, and the musters and drills of the crews, on steamers navigating the ocean, or any lake, bay, or sound of the United States, on and after July 1, 1915, shall be subject to the provisions, limitations, and minimum requirements of the regulations herein set forth, and all such vessels shall thereafter be required to comply in all respects therewith: *Provided*, That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same."

REGULATIONS—LIFE-SAVING APPLIANCES.

STANDARD TYPES OF BOATS.

The standard types of boats classified as follows:

Class.	Section.	Type.
I. (Entirely rigid sides.)	A. Open.	Internal buoyancy only.
	B. Open.	Internal and external buoyancy.
	C. Pontoon.	Well deck; fixed water-tight bulwarks.
II. (Partially collapsible sides.)	A. Open.	Upper part of sides collapsible.
	B. Pontoon.	Well deck; collapsible water-tight bulwarks.
	C. Pontoon.	Flush deck; collapsible water-tight bulwarks.

STRENGTH OF BOATS.

Each boat must be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of persons and equipment.

ALTERNATIVE TYPES OF BOATS AND RAFTS.

Any type of boat may be accepted as equivalent to a boat of one of the prescribed classes and any type of raft is equivalent to an approved pontoon raft, if the board of supervising inspectors, with the approval of the Secretary of Commerce, is satisfied by suitable trials that it is as effective as the standard types of the class in question, or as the approved type of pontoon raft, as the case may be.

Motor boats may be accepted if they comply with the requirements laid down for boats of the first class, but only to a limited number, which number shall be determined by the board of supervising inspectors, with the approval of the Secretary of Commerce.

No boat may be approved the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull or which has not a cubic capacity of at least 125 cubic feet.

BOATS OF THE FIRST CLASS.

The standard types of boats of the first class must satisfy the following conditions:

1A. *Open boats with internal buoyancy only.*—The buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which shall be at least equal to one-tenth of the cubic capacity of the boat.

The buoyancy of a metal boat of this type shall not be less than that required above for a wooden boat of the same cubic capacity, the volume of water-tight air cases being increased accordingly.

1B. *Open boats with internal and external buoyancy.*—The internal buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which is at least equal to $7\frac{1}{2}$ per cent of the cubic capacity of the boat.

The external buoyancy may be of cork or of any other equally efficient material, but such buoyancy shall not be secured by the use of rushes, cork shavings, loose granulated cork, or any other loose granulated substance, or by any means dependent upon inflation by air.

If the buoyancy is of cork, its volume, for a wooden boat, shall not be less than thirty three thousandths of the cubic capacity of the boat; if of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the boat are not less than that of a similar boat provided with buoyancy of cork.

The buoyancy of a metal boat shall be not less than that required above for a wooden boat of the same cubic capacity, the volume of the air cases and external buoyancy being increased accordingly.

1C. *Pontoon boats, in which persons can not be accommodated below the deck, having a well deck and fixed water-tight bulwarks.*—The area of the well deck of a boat of this type shall be at least 30 per cent of the total deck area. The height of the well deck above the water line at all points shall be at least equal to one-half of 1 per cent of the length of the boat, this height being increased to $1\frac{1}{2}$ per cent of the length of the boat at the ends of the well.

The freeboard of a boat of this type shall be such as to provide for a reserve buoyancy of at least 35 per cent.

BOATS OF THE SECOND CLASS.

The standard types of boats of the second class must satisfy the following conditions:

2A. *Open boats having the upper part of the sides collapsible.*—A boat of this type shall be fitted both with water-tight air cases and with external buoyancy, the volume of which, for each person which the boat is able to accommodate, shall be at least equal to the following amounts: Air cases, 1.5 cubic feet; external buoyancy (if of cork), two tenths cubic foot.

The minimum freeboard of boats of this type is fixed in relation to their length; it is measured vertically to the top of the solid hull at the side amidships, from the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts:

Length of the boat.	Minimum freeboard.
<i>Feet.</i>	<i>Inches.</i>
26	8
28	9
30	10

The freeboard of boats of intermediate lengths is to be found by interpolation.

2B. *Pontoon boats having a well deck and collapsible bulwarks.*—All the conditions laid down for boats of type 1C are to be applied to boats of this type, which differ from those of type 1C only in regard to the bulwarks.

2C. *Pontoon boats, in which the persons can not be accommodated below deck, having a flush deck and collapsible bulwarks.*—The minimum freeboard of boats of this type is independent of their lengths and depends only upon their depth. The depth of the boat is to be measured vertically from the underside of the garboard strake to the top of the deck on the side amidships, and the freeboard is to be measured from the top of the deck at the side amidships to the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts, which are applicable without correction to boats having a mean sheer equal to 3 per cent of their length:

Depth of boat.	Minimum freeboard.
<i>Inches.</i>	<i>Inches.</i>
12	2 $\frac{3}{4}$
18	3 $\frac{2}{3}$
20	5 $\frac{1}{3}$
30	6 $\frac{1}{2}$

For intermediate depths the freeboard is obtained by interpolation.

If the sheer is less than the standard sheer defined above, the minimum freeboard is obtained by adding to the figures in the table one-seventh of the difference between the standard sheer and the actual mean sheer measured at the stem and sternpost. No deduction is to be made from the freeboard on account of the sheer being greater than the standard sheer or on account of the camber of the deck

MOTOR BOATS.

When motor boats are accepted the volume of internal buoyancy and, when fitted, the external buoyancy, must be fixed, having regard to the difference between the weight of the motor and its accessories and the weight of the additional persons which the boat could accommodate if the motor and its accessories were removed.

ARRANGEMENTS FOR CLEARING PONTOON LIFEBOATS OF WATER.

All pontoon lifeboats shall be fitted with efficient means for quickly clearing the deck of water. The orifices for this purpose shall be such that the water can not enter the boat through them when they are intermittently submerged. The number and size of the orifices shall be determined for each type of boat by a special test.

For the purpose of this test the pontoon boat shall be loaded with a weight of iron or bags of sand, equal to that of its complement of persons and equipment.

In the case of a boat 28 feet in length 2 tons of water shall be cleared from the boat in a time not exceeding the following: Type 1C, 60 seconds; type 2B, 60 seconds; type 2C, 20 seconds.

In the case of a boat having a length greater or less than 28 feet the weight of water to be cleared in the same time shall be, for each type, directly proportional to the length of the boat.

CONSTRUCTION OF BOATS.

Open lifeboats of the first class (types 1A and 1B) must have a mean sheer at least equal to 4 per cent of their length.

The air cases of open boats of the first class shall be placed along the sides of the boat; they may also be placed at the ends of the boat, but not in the bottom of the boat.

Pontoon lifeboats may be built of wood or metal. If constructed of wood, they shall have the bottom and deck made of two thicknesses with textile material between; if of metal, they shall be divided into water-tight compartments with means of access to each compartment.

All boats shall be fitted for use of a steering oar.

PONTOON RAFTS.

No type of pontoon raft may be approved unless it satisfies the following conditions:

First. It should be reversible and fitted with bulwarks of wood, canvass, or other suitable material on both sides. These bulwarks may be collapsible.

Second. It should be of such size, strength, and weight that it can be handled without mechanical appliances, and, if necessary, be thrown from the vessel's deck.

Third. It should have not less than 3 cubic feet of air cases or equivalent buoyancy for each person whom it can accommodate.

Fourth. It should have a deck area of not less than 4 square feet for each person whom it can accommodate and the platform should not be less than 6 inches above the water level when the raft is loaded.

Fifth. The air cases or equivalent buoyancy should be placed as near as possible to the sides of the raft.

CAPACITY OF BOATS AND PONTOON RAFTS.

First. The number of persons which a boat of one of the standard types or a pontoon raft can accommodate is equal to the greatest whole number obtained by dividing the capacity in cubic feet, or the surface in square feet, of the boat or of the raft by the standard unit of capacity, or unit of surface (according to circumstances), defined below for each type.

Second. The cubic capacity in feet of a boat in which the number of persons is determined by the surface shall be assumed to be 10 times the number of persons which it is authorized to carry.

Third. The standard units of capacity and surface are as follows:

Units of capacity, open boats, type 1A, 10 cubic feet; open boats, type 1B, 9 cubic feet.

Unit of surface, open boats, type 2A, $3\frac{1}{2}$ square feet; pontoon boats, type 2C, $3\frac{1}{2}$ square feet; pontoon boats, type 1C, $3\frac{1}{4}$ square feet; pontoon boats, type 2B, $3\frac{1}{4}$ square feet.

Fourth. The board of supervising inspectors, with the approval of the Secretary of Commerce, may accept, in place of $3\frac{1}{4}$, a smaller divisor, if it is satisfied after trial that the number of persons for whom there is seating accommodation in the pontoon boat in question is greater than the number obtained by applying the above divisor, provided always that the divisor adopted in place of $3\frac{1}{4}$ may never be less than 3.

CAPACITY LIMITS.

Pontoon boats and pontoon rafts shall never be marked with a number of persons greater than that obtained in the manner specified in this section.

This number shall be reduced—

First. When it is greater than the number of persons for which there is proper seating accommodation, the latter number being determined in such a way that the persons when seated do not interfere in any way with the use of the oars.

Second. When in the case of boats other than those of the first two sections of the first class the freeboard, when the boat is fully loaded, is less than the freeboard laid down for each type respectively. In such circumstances the number shall be reduced until the freeboard, when the boat is fully loaded, is at least equal to the standard freeboard laid down above.

In boats of types 1C and 2B the raised part of the deck at the sides may be regarded as affording seating accommodation.

EQUIVALENTS FOR AND WEIGHT OF THE PERSONS.

In test for determining the number of persons which a boat or pontoon raft can accommodate each person shall be assumed to be an adult person wearing a life jacket.

In verifications of freeboard the pontoon boats shall be loaded with a weight of at least 165 pounds for each adult person that the pontoon boat is authorized to carry.

In all cases two children under 12 years of age shall be reckoned as one person.

CUBIC CAPACITY OF OPEN BOATS OF THE FIRST CLASS.

First. The cubic capacity of an open boat of type 1A or 1B shall be determined by Stirling's (Simpson's) rule or by any other method approved by the board of supervising inspectors, giving the same degree of accuracy. The capacity of a square-sterned boat shall be calculated as if the boat had a pointed stern.

Second. For example, the capacity in cubic feet of a boat, calculated by the aid of Stirling's rule, may be considered as given by the following formula:

$$\text{Capacity} = \frac{1}{12} (4A + 2B + 4C)$$

l being the length of the boat in meters (or feet) from the inside of the planking or plating at the stem to the corresponding point at the stern post; in the case of a boat with a square stern, the length is measured to the inside of the transom.

A, B, C denote, respectively, the areas of the cross sections at the quarter-length forward, amidships, and the quarter length aft, which correspond to the three points obtained by dividing l into four equal parts. (The areas corresponding to the two ends of the boat are considered negligible.)

The areas A, B, C shall be deemed to be given in square feet by the successive application of the following formula to each of the three cross sections:

$$\text{Area} = \frac{h}{12} (a + 4b + 2c + 4d + e).$$

h being the depth measured in meters (or in feet) inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level, as determined hereafter.

a, b, c, d, e denote the horizontal breadths of the boat measured in feet at the upper and lower points of the depth and at the three points obtained by dividing h into four equal parts (a and e being the breadths at the extreme points, and c at the middle point, of h).

Third. If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the boat from the ends, exceeds 1 per cent of the length of the boat, the depth employed in calculating the area of the cross sections A or C shall be deemed to be the depth amidships plus 1 per cent of the length of the boat.

Fourth. If the depth of the boat amidships exceeds 45 per cent of the breadth, the depth employed in calculating the area of the midship cross section B shall be deemed to be equal to 45 per cent of the breadth; and the depth employed in calculating the areas of the quarter-length sections A and C is obtained by increasing this last figure by an amount equal to 1 per cent of the length of the boat, provided that in no case shall the depths employed in the calculation exceed the actual depths at these points.

Fifth. If the depth of the boat is greater than 4 feet, the number of persons given by the application of this rule shall be reduced in proportion to the ratio of 4 feet to the actual depth, until the boat has been satisfactorily tested afloat with that number of persons on board all wearing life jackets.

Sixth. The Board of Supervising Inspectors shall impose, by suitable formulæ, a limit for the number of persons allowed in boats with very fine ends and in boats very full in form.

Seventh. The Board of Supervising Inspectors may by regulation assign to a boat a capacity equal to the product of the length, the breadth, and the depth multiplied by six-tenths if it is evident that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the following manner:

Length. From the intersection of the outside of the planking with the stem to the corresponding point at the sternpost or, in the case of a square-sterned boat, to the afterside of the transom.

Breadth. From the outside of the planking at the point where the breadth of the boat is greatest.

Depth. Amidships inside the planking from the keel to the level of the gunwale, but the depth used in calculating the cubic capacity may not in any case exceed 45 per cent of the breadth.

In all cases the vessel owner has the right to require that the cubic capacity of the boat shall be determined by exact measurement.

Eighth. The cubic capacity of a motor boat is obtained from the gross capacity by deducting a volume equal to that occupied by the motor and its accessories.

DECK AREA OF PONTOON BOATS AND OPEN BOATS OF THE SECOND CLASS.

First. The area of the deck of a pontoon boat of type 1C, 2B, or 2C shall be determined by the method indicated below or by any other method giving the same degree of accuracy. The same rule is to be applied in determining the area within the fixed bulwarks of a boat of type 2A.

Second. For example, the surface in square feet of a boat may be deemed to be given by the following formula:

$$\text{Area} = \frac{e}{12} (5a + 1.5b + 4c + 1.5d + 2e),$$

l being the length in feet from the intersection of the outside of the planking with the stem to the corresponding point at the sternpost.

a, b, c, d, e denote the horizontal breadths in feet outside the planking at the points obtained by dividing l into four equal parts and subdividing the foremost and aftermost parts into two equal parts (a and e being the breadths at the extreme subdivisions, c at the middle point of the length, and b and d at the intermediate points).

MARKING OF BOATS AND PONTOON RAFTS.

The dimensions of the boat and the number of persons which it is authorized to carry shall be marked on it in clear, permanent characters, according to regulations by the Board of Supervising Inspectors, approved by the Secretary of Commerce. These marks shall be specifically approved by the officers appointed to inspect the ship.

Pontoon rafts shall be marked with the number of persons in the same manner.

EQUIPMENT OF BOATS AND PONTOON RAFTS.

First. The normal equipment of every boat shall consist of—

(a) A single banked complement of oars and two spare oars; one set and a half of thole pins or crutches; a boat hook.

(b) Two plugs for each plug hole (plugs are not required when proper automatic valves are fitted); a bailer and a galvanized-iron bucket.

(c) A tiller or yoke and yoke lines.

(d) Two hatchets.

(e) A lamp filled with oil and trimmed.

(f) A mast or masts with one sail at least, and proper gear for each. (This does not apply to motor lifeboats or lifeboats on the Great Lakes or other inland waters.)

(g) A suitable compass.

Pontoon lifeboats will have no plug hole, but shall be provided with at least two bilge pumps.

In the case of a steamer which carries passengers in the North Atlantic, all the boats need not be equipped with masts, sails, and compasses, if the ship is provided with a radiotelegraph installation.

Second. The normal equipment of every approved pontoon raft shall consist of—

- (a) Four oars.
- (b) Five rowlocks.
- (c) A self-igniting life-buoy light.

Third. In addition, every boat and every pontoon raft shall be equipped with—

- (a) A life line becketed around the outside.
- (b) A sea anchor.
- (c) A painter.
- (d) A vessel containing one gallon of vegetable or animal oil. The vessel shall be so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.
- (e) A water-tight receptacle containing two pounds avoirdupois of provisions for each persons, except on vessels navigating fresh water.
- (f) A water-tight receptacle containing one quart of water for each person, except on vessels navigating fresh water.
- (g) A number of self-igniting "red lights" and a water-tight box of matches.

Fourth. All loose equipment must be securely attached to the boat or pontoon raft to which it belongs.

STOWAGE OF BOATS—NUMBER OF DAVITS.

The minimum number of sets of davits is fixed in relation to the length of the vessel; provided that a number of sets of davits greater than the number of boats necessary for the accommodation of all the persons on board may not be required.

HANDLING OF THE BOATS AND RAFTS.

All the boats and rafts must be stowed in such a way that they can be launched in the shortest possible time and that, even under unfavorable conditions of list and trim from the point of view of the handling of the boats and rafts, it may be possible to embark in them as large a number of persons as possible.

The arrangements must be such that it may be possible to launch on either side of the vessel as large a number of boats and rafts as possible.

STRENGTH AND OPERATION OF THE DAVITS.

The davits shall be of such strength that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of 15°.

The davits must be fitted with a gear of sufficient power to insure that the boat can be turned out against the maximum list under which the lowering of the boats is possible on the vessel in question.

OTHER APPLIANCES EQUIVALENT TO DAVITS.

Any appliance may be accepted in lieu of davits or sets of davits if the board of supervising inspectors, with the approval of the Secretary of Commerce, is satisfied after proper trials that the appliance in question is as effective as davits for placing the boats in the water.

DAVITS.

Each set of davits shall have a boat of the first class attached to it, provided that the number of open boats of the first class attached to davits shall not be less than the minimum number fixed by the table which follows.

If it is neither practicable nor reasonable to place on a vessel the minimum number of sets of davits required by the rules, the board of supervising inspectors, with the approval of the Secretary of Commerce, may authorize a smaller number of sets of davits to be fitted, provided always that this number shall never be less than the minimum number of open boats of the first class required by the rules.

If a large proportion of the persons on board are accommodated in boats whose length is greater than 50 feet, a further reduction in the number of sets of davits may be allowed exceptionally, if the board of supervising inspectors, with the approval of the Secretary of Commerce, is satisfied that the arrangements are in all respects satisfactory.

In all cases in which a reduction in the minimum number of sets of davits or other equivalent appliances required by the rules is allowed, the owner of the vessel in question shall be required to prove, by a test made in the presence of an officer designated by the Supervising Inspector General, that all the boats can be efficiently launched in a minimum time.

The conditions of this test shall be as follows:

First. The vessel is to be upright and in smooth water.

Second. The time is the time required from the beginning of the removal of the boat covers, or any other operation necessary to prepare the boats for lowering, until the last boat or pontoon raft is afloat.

Third. The number of men employed in the whole operation must not exceed the total number of boat hands that will be carried on the vessel under normal service conditions.

Fourth. Each boat when being lowered must have on board at least two men and its full equipment as required by the rules.

The time allowed for putting all the boats into the water shall be fixed by the board of supervising inspectors, with the approval of the Secretary of Commerce.

MINIMUM NUMBER OF DAVITS AND OF OPEN BOATS OF THE FIRST CLASS—MINIMUM BOAT CAPACITY.

The following table fixes, according to the length of the vessel—

(A) The minimum number of sets of davits to be provided, to each of which must be attached a boat of the first class in accordance with this section.

(B) The minimum total number of open boats of the first class, which must be attached to davits, in accordance with this section.

(C) The minimum boat capacity required, including the boats attached to davits and the additional boats, in accordance with this section.

Registered length of the ship (feet).	(A) Mini- mum number of sets of davits.	(B) Mini- mum number of open boats of the first class.	(C) Mini- mum capac- ity of life- boats.	Registered length of the ship (feet).	(A) Mini- mum number of sets of davits.	(B) Mini- mum number of open boats of the first class.	(C) Mini- mum capac- ity of life- boats.
			<i>Cu. ft.</i>				<i>Cu. ft.</i>
100 and less than 120.....	2	2	980	435 and less than 460.....	12	9	14,430
120 and less than 140.....	2	2	1,220	460 and less than 490.....	14	10	15,920
140 and less than 160.....	2	2	1,550	490 and less than 520.....	14	10	17,310
160 and less than 175.....	3	3	1,880	520 and less than 550.....	16	12	18,720
175 and less than 190.....	3	3	2,390	550 and less than 580.....	16	12	20,350
190 and less than 205.....	4	4	2,740	580 and less than 610.....	18	13	21,900
205 and less than 220.....	4	4	3,330	610 and less than 640.....	18	13	23,700
220 and less than 230.....	5	4	3,900	640 and less than 670.....	20	14	25,350
230 and less than 245.....	5	4	4,560	670 and less than 700.....	20	14	27,050
245 and less than 255.....	6	5	5,100	700 and less than 730.....	22	15	28,560
255 and less than 270.....	6	5	5,640	730 and less than 760.....	22	15	30,180
270 and less than 285.....	7	5	6,190	760 and less than 790.....	24	17	32,100
285 and less than 300.....	7	5	6,930	790 and less than 820.....	24	17	34,350
300 and less than 315.....	8	6	7,550	820 and less than 855.....	26	18	36,450
315 and less than 330.....	8	6	8,290	855 and less than 890.....	26	18	38,750
330 and less than 350.....	9	7	9,000	890 and less than 925.....	28	19	41,000
350 and less than 370.....	9	7	9,630	925 and less than 960.....	28	19	43,880
370 and less than 390.....	10	7	10,650	960 and less than 995.....	30	20	46,350
390 and less than 410.....	10	7	11,700	995 and less than 1,030.....	30	20	48,750
410 and less than 435.....	12	9	13,060				

When the length of the vessel exceeds 1,030 feet, the board of supervising inspectors, with the approval of the Secretary of Commerce, shall determine the minimum number of sets of davits and of open boats of the first class for that vessel.

EMBARKATION OF THE PASSENGERS IN THE LIFEBOATS AND RAFTS.

Suitable arrangements shall be made for embarking the passengers in the boats, in accord with regulations by the board of supervising inspectors, with the approval of the Secretary of Commerce.

In vessels which carry rafts there shall be a number of rope or wooden ladders always available for use in embarking the persons on to the rafts.

The number and arrangement of the boats, and (where they are allowed) of the pontoon rafts on a vessel depends upon the total number of persons which the vessel is intended to carry: *Provided*, That there shall not be required on any voyage a total capacity in boats, and (where they are allowed) pontoon rafts greater than that necessary to accommodate all the persons on board.

At no moment of its voyage shall any passenger steam vessel of the United States on ocean routes more than 20 nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board.

If the lifeboats attached to davits do not provide sufficient accommodation for all persons on board, additional lifeboats of one of the standard types shall be provided. This addition shall bring the total capacity of the boats on the vessels at least up to the greater of the two following amounts:

(a) The minimum capacity required by these regulations;

(b) A capacity sufficient to accommodate 75 per cent of the persons on board.

The remainder of the accommodation required shall be provided, under regulations of the board of supervising inspectors, approved by the Secretary of Commerce, either in boats of class one or class two, or in pontoon rafts of an approved type.

At no moment of its voyage shall any passenger-steam vessel of the United States on ocean routes less than 20 nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board. The number and type of such lifeboats and life rafts shall be determined by regulations of the board of supervising inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any passenger-steam vessel of the United States, on ocean routes less than 20 nautical miles offshore, shall be required to carry accommodation for not less than 70 per cent of the total number of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than 50 per cent shall be in lifeboats and 50 per cent may be in collapsible boats or rafts, under regulations of the board of supervising inspectors, approved by the Secretary of Commerce.

At no moment of its voyage may any ocean-cargo steam vessel of the United States have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the board of supervising inspectors, approved by the Secretary of Commerce.

At no moment of its voyage may any passenger-steam vessel of the United States on the Great Lakes, on routes more than 3 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board. The number and types of such lifeboats and life rafts shall be determined by regulations of the board of supervising inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any such steamer shall be required to carry accommodation for not less than 50 per cent of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts, under regulations of the board of supervising inspectors, approved by the Secretary of Commerce: *Provided further*, That all passenger-steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes, or for service from September 15 to May 15 on the Great Lakes on routes more than 3 miles offshore, shall be built to carry, and shall carry, enough lifeboats and life rafts to accommodate all persons on board, including passen-

gers and crew: *And provided further*, That not more than 25 per cent of such equipment may be in pontoon life rafts or collapsible lifeboats.

At no moment of its voyage may any cargo-steam vessel of the United States on the Great Lakes have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the board of supervising inspectors approved by the Secretary of Commerce.

The number, types, and capacity of lifeboats and life rafts, together with the proportion of such accommodation to the number of persons on board which shall be carried on steam vessels on the Great Lakes, on route 3 miles or less offshore or over waters whose depth is not sufficient to submerge all the decks of the vessel, and on all other lakes, and on rivers, bays, and sounds, shall be determined by regulations of the board of supervising inspectors, approved by the Secretary of Commerce.

All regulations by the board of supervising inspectors, approved by the Secretary of Commerce, authorized by this act, shall be transmitted to Congress as soon as practicable after they are made.

The Secretary of Commerce is authorized in specific cases to exempt existing vessels from the requirements of this section that the davits shall be of such strength and shall be fitted with a gear of sufficient power to insure that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of 15°, where their strict application would not be practicable or reasonable.

CERTIFICATED LIFEBOAT MEN—MANNING OF THE BOATS.

There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows: If the boat or raft carries 25 persons or less, the minimum number of certified lifeboat men shall be 1; if the boat or raft carries 26 persons and less than 41 persons the minimum number of certificated lifeboat men shall be 2; if the boat or raft carries 41 persons and less than 61 persons the minimum number of certificated lifeboat men shall be 3; if the boat or raft carries from 61 to 85 persons, the minimum number of certificated lifeboat men shall be 4; if the boat or raft carries from 86 to 110 persons, the minimum number of certificated lifeboat men shall be 5; if the boat or raft carries from 111 to 160 persons, the minimum number of certificated lifeboat men shall be 6; if the boat or raft carries from 161 to 210 persons, the minimum number of certificated lifeboat men shall be 7; and, thereafter, one additional certificated lifeboat man for each additional 50 persons: *Provided*, That if the raft carries 15 persons or less a licensed officer or able seaman need not be placed in charge of such raft: *Provided further*, That one-half the number of rafts carried shall have a capacity of exceeding 15 persons.

The allocation of the certificated lifeboat men to each boat and raft remains within the discretion of the master, according to the circumstances.

By "certificated lifeboat man" is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Secretary of Commerce, who is hereby directed to provide for the issue of such certificates.

In order to obtain the special lifeboat man's certificate the applicant must prove to the satisfaction of an officer designated by the Secretary of Commerce that he has been trained in all the operations connected with launching lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service.

Section forty-four hundred and sixty-three of the Revised Statutes as amended is hereby amended by adding the words "including certificated lifeboat men, separately stated," to the word "crew" wherever it occurs.

MANNING OF BOATS.

A licensed officer or able seaman shall be placed in charge of each boat or pontoon raft; he shall have a list of its lifeboat men, and other members of its crew which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

A man capable of working the motor shall be assigned to each motor boat.

The duty of seeing that the boats, pontoon rafts, and other lifesaving appliances are at all times ready for use shall be assigned to one or more officers.

MUSTER ROLL AND DRILLS.

Special duties for the event of an emergency shall be allotted to each member of the crew.

The muster list shows all these special duties, and indicates, in particular, the station to which each man must go, and the duties that he has to perform.

Before the vessel sails the muster list shall be drawn up and exhibited, and the proper authority, to be designated by the Secretary of Commerce, shall be satisfied that the muster list has been prepared for the vessel. It shall be posted in several parts of the vessel, and in particular in the crew's quarters.

MUSTER LIST.

The muster list shall assign duties to the different members of the crew in connection with—

- (a) The closing of the water-tight doors, valves, and so forth.
- (b) The equipment of the boats and rafts generally.
- (c) The launching of the boats attached to davits.
- (d) The general preparation of the other boats and the pontoon rafts.
- (e) The muster of the passengers.
- (f) The extinction of fire.

The muster list shall assign to the members of the steward's department their several duties in relation to the passengers at a time of emergency. These duties shall include—

- (a) Warning the passengers.
- (b) Seeing that they are dressed and have put on their life jackets in a proper manner.
- (c) Assembling the passengers.
- (d) Keeping order in the passages and on the stairways, and, generally, controlling the movements of the passengers.

The muster list shall specify definite alarm signals for calling all the crew to the boat and fire stations, and shall give full particulars of these signals.

MUSTERS AND DRILLS.

Musters of the crews at their boat and fire stations, followed by boat and fire drills, respectively, shall be held at least once a week, either in port or at sea. An entry shall be made in the official log book of these drills, or of the reason why they could not be held.

Different groups of boats shall be used in turn at successive boat drills. The drills and inspections shall be so arranged that the crew thoroughly understand and are practiced in the duties they have to perform, and that all the boats and pontoon rafts on the ship with the gear appertaining to them are always ready for immediate use.

LIFE JACKETS AND LIFE BUOYS.

A life jacket of an approved type, or other appliance of equal buoyancy and capable of being fitted on the body, shall be carried for every person on board, and, in addition, a sufficient number of life jackets, or other equivalent appliances, suitable for children.

First. A life jacket shall satisfy the following conditions:

- (a) It shall be of approved material and construction.
- (b) It shall be capable of supporting in fresh water for 24 hours 15 pounds avoirdupois of iron.

Life jackets the buoyancy of which depends on air compartments are prohibited.

Second: A life buoy shall satisfy the following conditions:

- (a) It shall be of solid cork or any other equivalent material.
- (b) It shall be capable of supporting in fresh water for 24 hours at least 31 pounds avoirdupois of iron.

Life buoys filled with rushes, cork shavings, or granulated cork, or any other loose granulated material, or whose buoyancy depends upon air compartments which require to be inflated, are prohibited.

Third. The minimum number of life buoys with which vessels are to be provided is fixed as follows:

Length of the vessel under 400 feet, minimum number of buoys, 12; length of the vessel, 400 and under 600 feet, minimum number of buoys, 18; length of the vessel, 600 and under 800 feet, minimum number of buoys, 24; length of the vessel, 800 feet and over, minimum number of buoys, 30.

Fourth. All the buoys shall be fitted with beackets securely seized. At least one buoy on each side shall be fitted with a life line of at least 15 fathoms in length. The number of luminous buoys shall not be less than one-half of the total number of life buoys, and in no case less than 6. The lights shall be efficient self-igniting lights which can not be extinguished in water, and they shall be kept near the buoys to which they belong, with the necessary means of attachment.

Fifth. All the life buoys and life jackets shall be so placed as to be readily accessible to the persons on board; their position shall be plainly indicated so as to be known to the persons concerned.

The life buoys shall always be capable of being rapidly cast loose, and shall not be permanently secured in any way. The owner of any vessel who neglects or refuses to provide and equip his vessel with such lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them, drags, pumps, or other appliances, as are required under the provisions of this section, or under the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall be fined not less than \$500, nor more than \$5,000, and every master of a vessel who shall fail to comply with the requirements of this section, and the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall upon conviction be fined not less than \$50, nor more than \$500. Section 4489 of the Revised Statutes is hereby repealed.

SEC. 15. That the owner, agent, or master of every barge which, while in tow through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13 of chapter 344 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

SEC. 16. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment and any other treaty provision in conflict with the provisions of this act, ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within 90 days after the passage of this act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

SEC. 17. That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon section 5280 and so much of section 4081 of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be, and is hereby, repealed.

SEC. 18. That this act shall take effect, as to all vessels of the United States, eight months after its passage, and as to foreign vessels 12 months after its passage, except that such parts hereof as are in conflict with articles of any treaty or convention with any foreign nation shall take effect as regards the vessels of such foreign nation on the expiration of the period fixed in the notice of abrogation of the said articles as provided in section 16 of this act.

SEC. 19. That section 16 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such

seamen, and to promote commerce," be amended by adding at the end of the section the following:

"*Provided*, That at the discretion of the Secretary of Commerce, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph."

SEC. 20. That in any suit to recover damages for any injury sustained on board vessel or in its service seamen having command shall not be held to be fellow servants with those under their authority.

Approved, March 4, 1915.

[PUBLIC—No. 89—64TH CONGRESS.]

[H. R. 13112.]

AN ACT To amend section 14 of the seamen's act of March 4, 1915.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fourteen of the seamen's Act of March 4, 1915, be amended by striking out subdivisions third and fourth of subsection headed "Life jackets and life buoys." regarding the number of life buoys with which steamers navigating the ocean, or any lake, bay, or sound of the United States shall be equipped, and inserting, in lieu thereof, the following:

"Third. The minimum number of life buoys with which vessels are to be provided is fixed as follows:

"Vessels under 100 feet in length, minimum number of buoys, 2; vessels 100 feet and less than 200 feet in length, minimum number of buoys, 4, of which 2 shall be luminous; vessels 200 feet and less than 300 feet in length, minimum number of buoys, 6, of which 2 shall be luminous; vessels 300 feet and less than 400 feet in length, minimum number of buoys, 12, of which 4 shall be luminous; vessels 400 feet and less than 600 feet in length, minimum number of buoys, 18, of which 9 shall be luminous; vessels 600 feet and less than 800 feet in length, minimum number of buoys, 24, of which 12 shall be luminous; vessels 800 feet and over in length, minimum number of buoys, 30, of which 15 shall be luminous.

"Fourth. All the buoys shall be fitted with beackets securely seized. Where two buoys only are carried, one shall be fitted with a life line at least 15 fathoms in length, and where more than two buoys are carried, at least one buoy on each side shall be fitted with a life line of at least 15 fathoms in length. The lights shall be efficient self-igniting lights which can not be extinguished in water and they shall be kept near the buoys to which they belong, with the necessary means of attachment."

Approved, June 12, 1916.

The CHAIRMAN. We will hear from Mr. Scott at this point if he is ready to proceed.

Mr. SCOTT. Mr. Chairman, I think the procedure to be followed might be the presentation of the statements of the gentlemen here, representing chambers of commerce, shippers, etc., rather than a statement by me regarding the provisions of the bill. The committee are all more or less familiar with the provisions of the bill.

Mr. KIRKPATRICK. May I say, Mr. Chairman, there are some new Members here who are not very familiar with the purpose of the bill. If Mr. Scott will give us about two minutes or so on it, I think it would be of great assistance.

Mr. SCOTT. My thought was this, Mr. Kirkpatrick: These gentlemen are all here away from their business. Most of them have come here at a great sacrifice and they are anxious to get away as soon as they can.

Mr. KIRKPATRICK. Very well.

Mr. SCOTT. I had expected to thoroughly explain the provisions of the bill to the members of the committee, but I felt that consideration ought to be given to these men who are here from far distant points and who are anxious to get away as soon as they can.

Mr. KIRKPATRICK. But we will get it at some time?

Mr. SCOTT. Yes.

Mr. CHINDBLOM. Let me suggest that a statement of the conditions which have led to the demand for this legislation will bring us up to the legislation itself, and that will probably be as good a way of getting the purpose of the bill as any other. Your witnesses can tell that.

Mr. SCOTT. Yes; the witnesses can tell that. Of course, I do not object to making a statement, but I think we had better proceed to put in the statements of these gentlemen, and they will probably show you the conditions better than I could in a statement.

The CHAIRMAN. Then we will hear the proponents of the bill first and, following them, the opponents.

STATEMENT OF MR. R. J. MACLEAN, CHAIRMAN, INLAND WATERWAYS COMMITTEE, DETROIT BOARD OF COMMERCE.

Mr. MACLEAN. Mr. Chairman, and members of the Committee on Merchant Marine and Fisheries, several months ago, the Detroit Board of Commerce had its attention called, through the newspapers, to the fact that the seamen's act should be amended as far as the Great Lakes was concerned, and finally we called a meeting of our committee on inland waterways and invited a number of representatives of vessel owners to be present. We heard what they had to say and, later, we asked representatives of certain of the seamen's unions to be present. We heard what they had to say. And then we called a conference of the boards of trade of the Great Lakes. That conference was held at Detroit April 8 and 9. There were 144 delegates present at the conference—men representing all the boards of commerce of the ports of the Great Lakes.

It was a two-day session, at the end of which a bill was drafted which has since been introduced by Congressman Frank B. Scott of Michigan. Certain resolutions were drawn up and passed. One resolution was introduced a few days afterwards in the Michigan State Legislature and was passed unanimously by the State legislature of Michigan, calling upon the Congress of the United States immediately to amend the seamen's act.

Mr. Chairman, an emergency exists on the Great Lakes. We are, to a very great extent, without transportation as far as passenger and packet freight service is concerned. Now, in order that you may know just what the condition is, I will call on certain men who are here representing the conference that was held at Detroit—men who have been appointed by their boards of commerce to come here and tell you what the conditions are.

Mr. CHINDBLOM. Let me ask you this question before you get through: Will any of this discussion relate to conditions anywhere else than on the Great Lakes?

Mr. MACLEAN. On the Great Lakes.

Mr. SCOTT. On the Great Lakes and also on Lake Ontario.

Mr. CHINDBLOM. That is not as large as the others.

Mr. SCOTT. I did not know whether you included Lake Ontario.

Mr. CHINDBLOM. Sure.

Mr. MACLEAN. This conference, I should state to the committee, represented all of the Great Lakes. I will call first on Mr. J. E. Coad, who is here representing the great Muskegon Chamber of Commerce, which is the second largest chamber of commerce in the State of Michigan. He also represents other interests, which he will state to you. I want Mr. Coad to state to you what the conditions are in Lake Michigan, and particularly on the western shore of the State of Michigan.

STATEMENT OF MR. J. E. COAD, MUSKEGON, MICH., REPRESENTING THE GREATER MUSKEGON CHAMBER OF COMMERCE.

Mr. COAD. If the committee please, the chairman of our interests in introducing me spoke of me as representing the Muskegon Chamber of Commerce. I am also here representing the Manufacturers' Association of Muskegon, and the Western Michigan Development Bureau, which takes in a territory 60 miles in width and reaching from the Indiana line north to Grand Traverse Bay. The reason I speak of this particular representation is that you may know what interests, as you go along, are actually affected there in this case; in representing or speaking of Muskegon, that you may know where the city is—it is actually on the map, in western Michigan, 42 miles west of Grand Rapids. It is the largest city on the west coast of Michigan and is an industrial center which has increased during the last census of population about 400 per cent. We have there the Continental Motors Corporation, the largest of its kind in the world; the Shaw-Walker Cabinet Works, which are the largest of their kind, and the Brunswick-Balke Co., all three of those companies using the lakes extensively for shipping.

In addition to the city, the territory represented is that of comparatively new development, being devoted largely to fruits and small grain and vegetables, particularly potatoes; being served by lake carriers, principally by boats on Lake Michigan; having very poor rail transportation, particularly after leaving the city of Muskegon northward. The cities of Ludington, Manistee, and the other points between are very poorly served by railroad connections.

At the present time we are seeking relief, but it does not seem possible, under similar conditions in the past, to expect them to build any new railroads. Hence, the boat lines must serve us; must serve us in the fall in time to get the fruit to the Chicago market; must take the potatoes out late in the fall, when potatoes need to be moved. It is necessary that we have transportation facilities equal to the service we are ready to render the American public in developing and producing food products of important and considerable volume.

This territory, as I say, is new; it needs to be developed. It is fast becoming one of the greatest fruit belts in America; but it will be seriously handicapped if present conditions prevail.

I have given this statement, gentlemen, by way of introduction to my remarks.

Mr. CHINDBLOM. Tell us just what railroads you have.

Mr. COAD. We have, at the present time, if you please, the Pere Marquette Railroad only, serving the territory represented, and that only with branch spur lines. The other railroads to the extreme southern part of the territory serve only a limited territory, as represented in the actual production of fruit and vegetables—particularly potatoes.

I want to touch briefly upon the fact; we are greatly handicapped, due to the fact that we can not get boats when we need them. There was a time, several years ago, when that country developed very rapidly and, when boats were in abundance, to carry the fruit and produce to the market. But being handicapped now, you can readily see how the citizens who formerly were interested in maintaining the development and who were interested in settling on those lands, are now asking the question, "What are we going to do? Are we going to have transportation facilities, or are we not? In case we are not, we do not want your land; we do not want to move into Michigan; we will stay where we are." Hence, the development of the country is slowing up, and will continue to slow up until some relief is given.

Getting back to the city that I directly represent, the city of Muskegon, I will say this: That we are primarily a manufacturing city. We manufacture commodities that are being shipped to-day, as well you know, all over the world. We are using water transportation extensively where it is possible. The Brunswick-Balke Co., with a very large capitalization and a large volume of business, the largest of its kind of business in the world, manufacturing billiard supplies and equipment of that nature, have been handicapped on the package freight shipments, as has also the Shaw-Walker Cabinet Works, manufacturing all sorts of filing devices, who have been using the boats very extensively, but recently have naturally returned to the rail almost entirely, and practically abandoned the use of water transportation. It handicaps them very materially.

Our condition there is being made very acute, and unless we get some relief, so as to be assured a better boat transportation, more boats to the West Shore—a great deal of our commerce goes westward—it must go through Chicago and be tied up there for weeks and weeks getting through the yards, where, before, we could ship via Milwaukee, across the lake, and get into that territory just as well. And unless we get some relief there is no question but that some of the industries are going to move away and get into a rail center where the rails will be used for commerce. That may be a very incidental matter, but it affects us very seriously.

Those are the principal points I wanted to bring out, but if there are any questions you would like to ask me concerning the territory and interests and the fact of this inquiry to us, I would be glad, as far as possible, to answer them.

Mr. SCOTT. I think the committee would be interested to know the character and extent of the water navigation service that you received prior to the war (prior to 1913), and how that service has depreciated between then and now, and what service you are getting now in comparison.

Mr. COAD. I will be real frank, Congressman Scott, in my statement on that. I have not served the city or been a resident of the city long enough to know the conditions prior to the war, other than those I have actually stated and those that have been handed down to me by my predecessor, which showed a service of three boats—five, in fact—at times, during the height of the season, and which service has been reduced now to a service of three boats at the height of the season. But I know full well, with the disappointments that we are getting on the Great Lakes' shipments, those that are operating the lines out of our city will not need a boat at all after another year. They can just discontinue the boat service, as far as we are concerned, entirely, because we can go to some other resort, to some other service, and depend entirely upon that.

The CHAIRMAN. What do you mean by a reduction of the service? Who takes off those boats? What is the occasion of the taking off of the boats?

Mr. COAD. The operators of the boats, if you please, have taken the boats off of the service, on the ground that the lines were losing money; they could not pay a profitable return on the investment, and some of the lines having gone into the hands of the receiver—an unprofitable device.

Mr. DAVIS. Mr. Coad, do you consider this reduction of that service due wholly to features of the Seamen's Act which are sought to be remedied in Mr. Scott's bill?

Mr. COAD. Answering you frankly, I would say yes, sir; absolutely.

Mr. DAVIS. And you are of the opinion if this bill were to be enacted, adequate service would be restored?

Mr. COAD. There seems to be no question about that. The business is there to warrant it, and the boat lines will get their share if they can show any reasonable amount of service.

Mr. CHINDBLOM. Then, as I understand you, the real cause of your loss of transportation facilities by water is the conditions under which the ships have to travel and operate?

Mr. COAD. That is right.

Mr. HARDY. It has been suggested, and I ask you the question—you had five boats and now you have only three?

Mr. COAD. Yes.

Mr. HARDY. Is it a fact those other two were taken off and sold for the coastwise trade, at an enormous price or a very high price?

Mr. COAD. That I can not answer.

Mr. HARDY. You do not know whether the finding of an opportunity to dispose of their property at a wonderfully advantageous price caused the taking of those ships off or not?

Mr. COAD. I think Mr. Thorp can answer that.

Mr. THORP. May I answer that question? For one of the boats that was taken off, Mr. Hardy, we got 60 per cent of the book value. That is what we got—not an enormous price for our ship.

Mr. HARDY. At what time?

Mr. THORP. In 1918. As carried on our books, we got 60 per cent of the book value of the ship and made a protest.

Mr. HARDY. What proportion did the book value bear to the cost of the ship?

Mr. THORP. It was the cost of the ship less ordinary depreciation, and it would cost three times as much as we got from the Government to reproduce that ship.

Mr. HARDY. You sold to the Government?

Mr. THORP. The Government commandeered it and gave us just what they wanted to.

Mr. HARDY. When did you sell it?

Mr. THORP. They took it from us in 1918.

Mr. HARDY. Have they ever compensated you for it?

Mr. THORP. To the extent of 60 per cent of the book value.

Mr. HARDY. That is what you received?

Mr. THORP. Yes, sir. There were other ships sold at about the same rate.

Mr. ROSENBLOOM. That represented the cost, did it?

Mr. THORP. Yes, sir; not the reproduction value. The reproduction value would have been three or four times as much.

Mr. ROSENBLOOM. How long had the ship been in service?

Mr. THORP. The ship had been in service a good many years.

Mr. ROSENBLOOM. How many?

Mr. THORP. I can not recall offhand. I should say 17 or 18 years, but she was a valuable ship and they do not deteriorate rapidly in fresh water.

Mr. HARDY. I have always understood water transportation was cheaper than rail transportation. Can you tell us what per cent of increase in freight rates these ships you now have have made over the prewar freight rates?

Mr. COAD. I do not know that I can answer that for you, sir. I am not familiar with the prewar freight rates. The present rates—there is a considerable difference, of course, between rail and boat.

Mr. HARDY. The rail being higher?

Mr. COAD. The rail being higher.

Mr. HARDY. Now, is it not perfectly true, providing you have the freight to send by those boats, if you pay a rate that will make it remunerative, the boats would come there?

Mr. COAD. I can not say that they would. It would depend entirely upon whether they could render the service, of course. Our main market being Chicago, it would depend on whether they would render the service sufficiently regular that we could depend upon it.

Mr. HARDY. What I am getting at is this: If you have the freight to carry on the Lakes and you can pay the amount necessary to make the transportation remunerative, would the boats come there; or is there something else that intervenes?

Mr. COAD. I can not see that there is. I doubt very much, the rates being at all similar, that our industries would consider for a minute shipping by boat in preference to rail, because of knowing of the shore delivery and shore service.

Mr. HARDY. What puzzles me is this: That water transportation is cheaper than rail. You have a slender rail transportation; your boats are leaving you, and nevertheless, I presume, claiming that it is because of the high cost of their wages, or something of that sort. What is the percentages of labor cost that goes into the total cost of transportation by water?

Mr. COAD. That is a technical question I am not prepared to answer.

Ma. HARDY. Is it not rather small?

Mr. COAD. I could not say. I have never figured that question up, sir.

Mr. HARDY. I want to get at it, to see whether the ills you are suffering from arises out of the causes to which it is attributed.

Mr. COAD. I am not prepared to answer on that point, but that will be taken care of as this matter goes along.

Mr. DAVIS. I understood you to say unless conditions are changed the shippers will abandon the use of the service now being provided on the Great Lakes. What did you mean by that and why would that be necessary?

Mr. COAD. I mean this: That unless we can get better service, more dependable service on the boat line, with more frequent boats, our shippers, who are now pooling their interests this very week, will ship all their commodities by rail, and they are arranging an agreement with the Grand Trunk Railroad to the East, which will give them an outlet down as far as Montreal.

Mr. DAVIS. In other words, do you mean unless you get more frequent departures and more regular schedules?

Mr. COAD. That is what I am referring to, unless we have more frequent and more regular schedules; we are calling upon the rail service now, and they will improve their service and give other trains to relieve the situation, and they are promising to do that.

Mr. HARDY. One reason for my question is, I find the condition of the gradual abandonment of boats seems to be encouraged in other places. Here is this little canal that for some time has brought coal from Cumberland into Washington. The Government has been using it. They are talking about abandoning it. There is no question of the seamen's act applying to it; they are just little inland towboats and tugs. Yet they are contemplating abandoning the use of that little inland canal for some reason. I want to find out all the reasons that may be cooperating for the destruction of the waterways transportation and not attributable, arbitrarily, to just one cause, as may perhaps be the tendency. I want to see what else there is.

Mr. COAD. I am very sorry I can not give you the information on that point.

Mr. CHINDBLOM. You do not mean to say, Judge Hardy, there is any real relation or comparison between this little artificial ditch, built a hundred years ago, and arteries like the Great Lakes?

Mr. HARDY. No. I mean to say that somehow there is a general tendency to abandon water transportation where you can utilize the rail.

Mr. CHINDBLOM. This canal up here was abandoned before the war, as I understood it, and the Government took it up and paid a subsidy, practically, for running it.

Mr. HARDY. This canal was abandoned before the war because it was leased to the Baltimore & Ohio Railroad for \$100,000 a year and then they let it go down. They owned both the rail and the canal and they did not want to do anything, but had to keep it up to certain limits, and they did so.

Mr. DAVIS. So far as you know, is there any direct connection between the transportation lines and the boat lines on the lakes?

Mr. COAD. There is absolutely none we know of.

Mr. DAVIS. No interlocking directorates?

Mr. COAD. No.

Mr. ROSENBLOOM. Were the five boats in use during the height of our prosperity able to take care of your water freight demands?

Mr. COAD. I think so; quite well.

Mr. ROSENBLOOM. The three of them are still in operation?

Mr. COAD. The three of them are in operation at the present time.

Mr. SCOTT. At the height of the season?

Mr. COAD. At the height of the season; not during the winter.

Mr. ROSENBLOOM. You never did require more than five?

Mr. COAD. No.

Mr. CHINDBLOM. How does your output compare with the volume of business you had during the time you had the five boats?

Mr. COAD. That might be compared with the depression that exists all over the country to-day. There are no factories to-day delivering anywhere near the volume of business they did formerly.

Mr. CHINDBLOM. I do not mean the temporary depression now, or the condition existing right at this minute; but your facilities for producing a volume of business are greater than they were when you had the five boats?

Mr. COAD. Our facilities have increased about 40 per cent and are increasing very rapidly. One concern alone is putting up at the present time a \$14,000,000 improvement. There is an improvement going on in the harbor at the present time, and there are about \$38,000,000 worth of developments just waiting for the time to break.

Mr. CHINDBLOM. Of course they are all looking forward to normal production, and when that time comes you will have a much larger output than when you had the five boats?

Mr. COAD. Larger than we ever had; yes.

Mr. FREE. May I ask the nature of the fruit interests those boats would serve?

Mr. COAD. I can not give you the volume of that; I can only tell you it comprises practically the entire western Michigan fruit belt.

Mr. FREE. What do you grow principally?

Mr. COAD. Principally grapes, peaches, apples, and pears, and, of course, with the potatoes. It is a great potato belt. Frequently you will find one man that produces as many of 10,000 bushels of potatoes. It is very desirous that those be delivered to the market at the time when he can get them there, rather than let them lay over for the winter.

Mr. HARDY. What are the elements that you think enter into the unproductiveness of the boat line?

Mr. COAD. I think the main element that enters in is the element of the extreme requirements on those particular lines on the Great Lakes, those short lines, of an unusually large amount of labor that it is necessary for them to handle or, rather, as provided for by the bill. And the other requirements that go into the bill, like the supplying of certain equipment, which is rather excessive, and the cutting off of the season early and late, and the general provisions that make operation more expensive than normally it would be or was previous to the bill.

Mr. HARDY. Do you think the requirement of the seamen's act, which requires two watches—is that one of the burdens that you think of?

Mr. SCOTT. It requires three watches.

Mr. COAD. Three watches, as I understand it, sir.

Mr. MACLEAN. If I may interrupt. We are here representing the general public and the shippers; we are not technical men. The witnesses we will present to you this morning are men who come here to tell you we have no ships; that we are likely to have fewer ships in certain parts of the Great Lakes than we have had in the past. We are here to demand transportation on the lakes. Sometime this afternoon, or whenever your committee wishes, we may have some technical men to present, who can answer the questions that have been presented to Mr. Coad.

Mr. HARDY. I will not insist on asking this witness further. I understand you present the general condition?

Mr. COAD. The general condition; that is all.

Mr. DAVIS. I want to ask you whether there was any appreciable interruption in this service prior to the time the Government took over those two boats, in 1918?

Mr. COAD. I think Mr. Thorp can answer that best.

Mr. MACLEAN. Mr. Thorp, will you answer that question?

Mr. THORP. I think most of it has been since that time, although there has been a very—well, in 1915, one of the lines went into the hands of a receiver and it necessitated reducing the service the following spring to quite a considerable extent. And we did the same along about the same time. The boat that was taken by the Government was a boat that was run only during the summer months, practically.

Mr. DAVIS. I understood Mr. Coad to say that the five boats furnished adequate service and I rather assumed from that there was no material interruption in the service prior to the time the Government commandeered those two boats.

Mr. THORP. Yes; there was.

Mr. SCOTT. Mr. Chairman, Congressman Snell, of New York, is here. He is a pretty busy individual and I told him when he came in, we would give him a chance to make his statement so that he could get away and go back to his work.

The CHAIRMAN. Yes.

STATEMENT OF HON. B. H. SNELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK.

Mr. SNELL. I just want about two minutes. I want to appear here in the interests of the repeal of the La Follette shipping act as it affects the Great Lakes and St. Lawrence River. I have a very short statement to make.

The largest people in the shipping business in our section, the George Hall Coal Co., of Ogdensburg, N. Y., have always maintained a fleet of steamers on the Great Lakes and St. Lawrence River. At the present time they have 24 boats, 6 of them under the American flag and 18 have been transferred to Canadian registry. They would very much prefer to keep all their boats under American registry, providing they could meet competition as it exists at the present time under the laws affecting the Great Lakes and St. Lawrence River.

I would like just to read this short letter and put it in the record, as I think it states the case and all that can be said in regard to it:

Hon. B. H. SNELL,

House of Representatives, Washington, D. C.

DEAR MR. SNELL: I inclose copy of a telegram received from the secretary of the seaman's act conference in reference to a bill before Congress, together with a copy of my reply.

We are very much interested in this matter and would be greatly obliged if you would assist in remedying what we believe is a great detriment to American shipping on the Great Lakes and St. Lawrence River due to the La Follette seaman's act, and we earnestly urge the repeal or modification of that act which has resulted in great injury to American shipping on the Great Lakes and St. Lawrence River, for the reason that, under that act, St. Lawrence River steamers are unable to compete with Canadian boats of the same size. The result is, most of the boats on the river are now operating under Canadian registry. We now have only 6 American boats, while 18 have been transferred to the Canadian flag.

Yours, very truly,

EDWARD L. Q. STRONG,
Vice President and Treasurer.

I think, Mr. Chairman, that states the situation as it exists in our section of the State—that practically all of our boats have been transferred to Canadian registry for the reason stated.

Mr. DAVIS. Between what points does that company operate?

Mr. SNELL. They operate largely on Lake Erie and clear down through to Montreal.

Mr. HARDY. Has Canada any law preventing the transfer to her flag of boats built in the United States?

Mr. SNELL. I did not quite understand the question.

Mr. HARDY. Does Canada permit the free registry under her flag of United States built boats?

Mr. SNELL. I can not give you that information, but it seems they must have done so.

Mr. HARDY. It seems to be a situation where our boats can go and find registry anywhere they please.

Mr. SNELL. I could not tell you what the law is on that.

Mr. ROSENBLOOM. Do you know whether all those 24 boats had been, at one time, under American registry?

Mr. SNELL. I think all of them have been, but some of them have been transferred lately.

Mr. ROSENBLOOM. How lately?

Mr. SNELL. Here is the situation: They sold all of their boats during the war and whether the new boats they put back have ever been under the American flag or not I could not say. But they would have been under the American flag if the law had been such they would have been able to compete.

Mr. ROSENBLOOM. Can you get us the information?

Mr. SCOTT. I will give you that information. The representative of the Rochester Chamber of Commerce is here to supplement the statement of Mr. Snell. Mr. Snell told you before the war this company had a large number of ships operating on Lake Ontario and at that time they had ships under American registry and now they have transferred all of them to Canadian registry, and I thought that would be valuable information to have before the committee.

Mr. MACLEAN. I had intended to call on a representative of the Eastern part of Michigan to state the conditions there, but as Mr.

Snell has introduced his subject at this particular time, I will call on Mr. E. C. Crockett, representing the Rochester Chamber of Commerce, of Rochester, N. Y.

STATEMENT OF MR. E. C. CROCKETT, ROCHESTER, N. Y., REPRESENTING THE ROCHESTER CHAMBER OF COMMERCE.

Mr. CROCKETT. The situation on Lake Ontario is this, as Congressman Snell has said, that practically all of the G. B. Hall steamers, that are coal carriers, have shifted from American registry to Canadian registry. They have done it because it is more economical to operate under Canadian registry than under the conditions of the La Follette Act.

Mr. BRIGGS. May I interrupt the witness a moment: Will you tell, briefly, in just what respects?

Mr. CROCKETT. I think I will come to that more naturally as I proceed. We have out of the port of Rochester car ferry steamers that cross from Rochester to Cobourg in Ontario. They carry 500 tons of coal annually. They are owned one half by American capital and the other half by Canadian capital. They are both under Canadian registry.

Mr. CHINDBLOM. 500 tons?

Mr. CROCKETT. They carry 500,000 tons, one-half million tons, from the port of Rochester to Cobourg and they bring back partial cargoes.

Mr. CHINDBLOM. Do they each carry that much?

Mr. CROCKETT. No; the two of them. The business of the port, of those two car ferries, is half a million tons of coal annually. The G. B. Hall Co. steamers carry more than a million tons of coal from the port of Rochester down this St. Lawrence River, as Congressman Snell said. Their boats practically are all under Canadian registry. Out of the port of Rochester go 100,000 passengers, in and out, across Lake Ontario and down the river St. Lawrence. They are all carried by boats under the Canadian flag and owned by Canadian capital. That company, a number of years ago, probably 10 years ago, built a boat at Detroit so as to have one of their passenger boats under the American flag so she could operate.

Mr. HARDY. Are all the rest of them built in Canada.

Mr. CROCKETT. Yes.

Mr. HARDY. Only the one built in America?

Mr. CROCKETT. Only one of the passenger steamers built in America.

Mr. HARDY. These vessels you are talking about being under Canadian registry: Were they built in Canada or America?

Mr. CROCKETT. The two car ferries were built in Canada with American capital.

Mr. HARDY. They are not allowed to register?

Mr. CROCKETT. They would have been built, all things being equal, in America. At least one of them would have been built in America, all things being equal.

Mr. HARDY. When was that boat built?

Mr. CROCKETT. The second one went into service about the beginning of the war. The other one had been in service probably four or five years before the war.

Mr. HARDY. Do you think they would have been built in America when the cost of building in America was very much in excess of that in England and Canada?

Mr. CROCKETT. The Canadian Steamship Co. built one of her large passenger steamers in this country.

Mr. HARDY. Because she had to, to get the American registry.

Mr. CROCKETT. She had to, to get the American registry; but since that time they have turned her back to Canadian registry.

Mr. HARDY. So that being built in America is no bar to registering under the Canadian law at the present time?

Mr. CROCKETT. I do not think so.

Mr. HARDY. But being built in Canada would be a bar against being registered in America, under the American flag?

Mr. CROCKETT. I do not understand that.

Mr. HARDY. You understand that under our laws, with the exception of some exceptions recently incorporated in the law, no vessel can fly the American flag unless built in the United States?

Mr. CROCKETT. But we have, Congressman, a boat in the port of Rochester and operating out of the port of Rochester that last year was bought from Canada and at that time was under Canadian registry. She was a Canadian registered boat. She was transferred from Canada to the port of Rochester and her registry was changed from Canadian to American.

Mr. HARDY. She is liable to run across a snag before long.

Mr. CROCKETT. She did run against a snag. The first thing they had to do was to increase the crew and put on a fireman, although they were going out on trips that were not more than three and a half miles at the outside, and never going out more than 3 miles from shore, and their entire operation being in the daytime and never a whole day of more than 8 hours. The first thing they had to do was to increase their crew of firemen to 3, so they would have to carry an extra fireman, although they did not have anything for him to do. And the other thing they had to do was, with a crew of 7 men and having aboard a lifeboat for 10 men, they had to discard the lifeboat for 7 men and get a lifeboat for 15 men.

Mr. DAVIS. Mr. Crockett, can you tell approximately the percentage of American citizens who are employed on those boat lines?

Mr. CROCKETT. No; I have no figures at all on that. I know that on those Canadian passenger steamers there is quite a portion of their crews obtained along the St. Lawrence River, at Clayton and Alexandria Bay; but what proportion, I do not know.

Mr. DAVIS. You understand that part of them are American citizens and part of them are foreign citizens?

Mr. CROCKETT. I know only casually; I have no figures. I simply know casually they apportion their crews they get along the River St. Lawrence.

Mr. CHINDBLOM. When they were compelled to increase their crew, they were not compelled to take American citizens in their crews were they?

Mr. DAVIS. No, I do not understand that; but I just wanted to get at the figures.

Mr. CHINDBLOM. I think I sympathize with your purpose. I am simply bringing out that there is no requirement that they be American citizens; they are simply required to increase their crew.

Mr. DAVIS. I know. In other words, my idea was to find out what percentage were Americans and what percentage of foreigners were permitted by the La Follette Seaman's Act.

Mr. CROCKETT. Of course what we are interested in on Lake Ontario, and Rochester particularly, is to get the American flag on Lake Ontario and to keep it there. We do not like to see these G. B. Hall steamers, 24 of them, all come into port, all owned by American capital, coming in flying the British flag.

Mr. DAVIS. I think it is a very laudable purpose.

Mr. CROCKETT. And we believe the La Follette Act should be modified, particularly so far as the Great Lakes are concerned, so that a condition would be brought about where American capital can be invested in America's interest.

Mr. ROSENBLOOM. You are familiar with the boats of the G. B. Hall Line are you?

Mr. CROCKETT. I see them.

Mr. ROSENBLOOM. Were they at any time under American registry?

Mr. CROCKETT. Most of them; yes.

Mr. ROSENBLOOM. How recently have they been changed; since the passage of this act?

Mr. CROCKETT. My information is three years ago they made the big change.

Mr. ROSENBLOOM. Do you know how many of them by reason of the La Follette Act?

Mr. CROCKETT. I do not know accurately.

Mr. ROSENBLOOM. Could you estimate it?

Mr. CROCKETT. I simply was informed, within a few days, by an official of the coal company from which they get their coal that gives them the million tons of coal, that they have shifted them all within three years—between two and three years ago they shifted them.

Mr. HARDY. In 1917 or 1918?

Mr. CROCKETT. That was his statement.

Mr. HARDY. Three years from now would be 1918. If it was within that, it would be a year and a half after the passage of the La Follette Act.

Mr. BRIGGS. What became of the vessel you referred to just now as having changed its registry from Canadian to American; and complied with those requirements; did she keep her American registry?

Mr. CROCKETT. She went back to Canadian registry. She is owned by the same people, and is operating in the St. Lawrence River. I know the Buffalo Chamber of Commerce have chartered her for their cruise for this year, which takes place about the 20th of June; so that she is still operating on the Great Lakes, but is operating as a Canadian boat.

Mr. CHINDBLOM. How long was she operating under Canadian registry?

Mr. CROCKETT. I would say up to about three years ago.

Mr. CHINDBLOM. Then she was only under American registry for two or three years?

Mr. CROCKETT. Oh, she was operating longer than that. She must be 12 or 14 years old. She was built at Detroit, and she was first known as the *City of Rochester*.

Mr. CHINDBLOM. The La Follette Act was approved in 1915, as I recall, so that the conditions created by the La Follette Act would not have existed prior to that time.

Mr. CROCKETT. You mean that would be an additional reason for them to put her at that time under Canadian registry?

Mr. CHINDBLOM. No; I am just trying to get the facts; I am not arguing the proposition.

Mr. ROSENBLOOM. With the Canadian registry, do those boats operate a bar—those passenger steamers?

Mr. CROCKETT. I beg pardon?

Mr. ROSENBLOOM. Does the Canadian registration allow those boats to operate a bar three miles out?

Mr. CROCKETT. I do not know whether they do; but none of those Canadian boats operate a bar now, and have not for years.

Mr. ROSENBLOOM. The passenger steamers?

Mr. CROCKETT. They have not for years.

Mr. MACLEAN. Mr. Chairman and members of the committee, I again wish to repeat we are not presenting to you men who can go into the technicalities regarding how the ships are run. We are presenting men to you who have come here to say to you that we need ships, and that we have not the ships, that we need more ships than we have had in the past. Many of those ships are off service; others are in the hands of receivers and others are tending in that direction. It is a condition that confronts us. We are here, Mr. Chairman, not as representing the vessel men; we are here representing the public. We are representing the shippers; we are representing men who want ships, and not men who own and run them. You have heard what the condition is in western Michigan. I want you, Mr. Chairman and gentlemen, to know the conditions in eastern Michigan, in that great farming country along the shores of Lake Huron. And I will call on Mr. G. J. Jenks, who is here from Harbor Beach.

STATEMENT OF MR. GEORGE J. JENKS, HARBOR BEACH, MICH., MILLING AND MERCANTILE BUSINESS.

Mr. JENKS. I represent Harbor Beach, which is located in the thumb of Michigan. You gentlemen who have looked at the lower peninsula of Michigan on the map have noticed that the peninsula juts out into Lake Huron, which is known as the thumb, I live in Huron County, which is one of the largest counties in the State in area—about 30 miles north and south and, roughly, 40 miles east and west. This country was lumbered in the sixties and seventies and then settlers came in. They found the soil rather light. This town of Harbor Beach, where I live, was originally called Sand Beach. Consequently, they turned to truck farming, small fruits, and potatoes.

At that time, in the seventies, when the farming industry started in our section, we had no rail transportation whatever, but were served by several lines of small steamers. These called in at all the little towns from Port Huron, north. This town where I live is 60

miles north of Port Huron by water and 130 miles north of Detroit. Some time in the eighties a railroad was built, a narrow-gauge railroad, and going through our rather isolated location. We are on the stub end of a branch line of that railroad. At some time in the eighties, I think, the Detroit and Cleveland Navigation Co. put on two very fine steamers, or what were considered fine steamers in those days. They ran, as I remember them, for six months in the year. They furnished us very fine service. The section became highly developed agriculturally. I think it is one of the most prosperous sections in the United States. The little town where I live, of about 2,000 inhabitants, is the marketing and shipping section for the east half of this large county. I think the county has about 35,000 inhabitants, and we probably serve a third to a half of them directly and indirectly all of them in the way of passenger service, since we have gotten good roads. These people come to Harbor Beach from all over the county and other counties south, as Harbor Beach is the only stopping point now of the Detroit and Cleveland Navigation Co. between Detroit and Alpena.

Our railroad service is so inadequate, from the fact we are served by only one railroad, which goes down to a junction point 18 miles south of Harbor Beach and then runs northwest about 90 miles to Saginaw, Mich., and then drops down to Detroit from there. If the rates were such we could ship our fruit by express, they might serve us to some extent, but they could not possibly give us the service the boats have given us. For example, previous to last year we had four boats; that is, four days in the week we had boat service each way, Detroit to Mackinaw. A farmer would bring in his fruit during the shipping season early in the morning and would get a boat leaving there at 8 o'clock, which would land the fruit in Detroit about 3 o'clock in the afternoon and in Cleveland or Buffalo the next morning—water transportation, cool, under cover, under the very best conditions, at one-third the expense of express shipments.

In the fall season, and as we are rather far north and surrounded by water, we have a late spring, our potatoes come into the market very late, at the time when the very inadequate facilities of the railroad are taken up with hay and grain shipments, it is almost impossible to get cars for potatoes at that time. Our great markets, of course, are Detroit and Cleveland, and Buffalo which, as I have told you, we reach in less than 24 hours into Buffalo. A year ago last winter, the Detroit & Cleveland Navigation Co. notified us as we were one of the best shipping points on their line, that they expected to continue our service another year in the hope that business would pick up to such an extent that they could continue it indefinitely as they had for approximately the last 30 years.

I am ashamed to say so, but that is the first time I had ever heard of the seamen's act. I had probably read of it incidentally in the newspapers, but I had no idea what it meant to our community. I went down to Detroit and consulted the officers of the line, and they told me that, owing to some of the provisions of this act, they were unable to operate the boat as they had done previously, but they would give us much better service. They had taken a few of the best shipping points and the best passenger points on the eastern shore of Michigan, and they said they were going to give us a six-day

service. That is, instead of a four-day service, that we would have a six-day service—a boat every day in the week but one. They felt by increasing the service 50 per cent, with the same crew, that even under the very adverse conditions—which they explained to me, but which I do not understand, as I am not a boatman—they might be able to continue.

I took the story home with me, and our little chamber of commerce and our farm bureau and our grange which works with it took the matter up, and some of the farmers said, "Oh, I guess that is just a bluff; they want to raise the freight rates on us, and I guess that will be a good excuse, so they are telling us a hard-luck story." But this winter they notified us they were down; it was impossible for them to operate except at a loss, and unless they could be relieved to some extent—such relief as is being asked for in this amendment to this law—our transportation would be discontinued.

Mr. HARDY. Let me ask you right there: If your freight rates were even doubled, I understood you to say, by boat you carry your goods for about one-third what you carry them by rail?

Mr. JENKS. I compared them with express, sir. We could not ship our fruits by freight from Harbor Beach to Detroit or Buffalo.

Mr. HARDY. You have to ship by express or boat?

Mr. JENKS. Yes.

Mr. HARDY. Suppose they doubled your rates, it would still be cheaper than by express, would it not?

Mr. JENKS. Yes, sir.

Mr. HARDY. You think the burden of this act is so great that if they doubled the freight rates they still could not live under the seaman's act?

Mr. JENKS. The fruits are perishable products, sold at very high prices and only shipped at short seasons of the year. I doubt if the revenue from that and a very big season of potatoes which I used to ship by boat during the fall season up until nearly the 1st of December—those potatoes come into competition, of course, with comparatively low freight rates from other sections.

Mr. HARDY. Is it not a fact the railroads never reduce their rates below water competitive rates, unless they are for the moment trying to drive competition off of the water?

Mr. JENKS. I could not tell you, sir.

Mr. SCOTT. In order that the committee may have a general idea as to the extent of the business in your comparatively small section of the State in comparison with the balance of the State, I wish you would tell the committee what your business in potatoes alone was there for one year.

Mr. ROSENBLOOM. Pardon an interruption right at this point, but I believe you stated that the first notice you had from the D. & C. Line was only a year ago?

Mr. JENKS. That is the first notice I had personally; yes, sir.

Mr. ROSENBLOOM. That unless business picked up, there would be a change in the schedule.

Mr. JENKS. They notified us there would be a change in the schedule and they had cut out the towns that were not productive and they felt by increasing the service 50 per cent they could make it pay.

Mr. ROSENBLOOM. So that after having operated under the act for five years without any inconvenience, and it was based upon business picking up, you received your first notice?

Mr. SCOTT. That is not quite accurate.

Mr. ROSENBLOOM. I would not say whether it is accurate. I am just reviewing his statement. That is why I want him to correct it right now. I think if you will examine the record, you will find that statement made.

Mr. SCOTT. The trouble is this, the operators on the lakes in reality only operated under the La Follette or seamen's act, prior to the war, for a period of one year, and even during that period, in opposition to the position taken by the opponents of the bill, some very favorable decisions were made by the Department of Commerce in a contended direct opposition to the provisions of the law.

Mr. ROSENBLOOM. I understand. But the gentleman who appears here as a witness——

Mr. SCOTT. I think you are right.

Mr. ROSENBLOOM (continuing) States that it was just this winter, a year ago, he was notified there was anything wrong, and then it was stated by the management "Unless business conditions improved."

Mr. DAVIS. What proportion of increase in rates did they advise they would be compelled to make unless they were given some relief from the provisions of the seamen's act?

Mr. JENKS. As I understand it, sir—you understand I am not a steamboat man.

Mr. DAVIS. I am simply asking you as a business man.

Mr. JENKS. This question is complicated with some other considerations. It is not a question of freight alone; it is a question of passenger service as well as freight. Those boats could not operate on freight alone; they are too big; they are too valuable, as I understand it. Now the provisions of the seamen's act, as it has been explained to me are these——

Mr. DAVIS. Before you go to that: I understood you to say that when you visited them in Detroit, they advised you they were contemplating cutting out the small unproductive points, in which event they would be able to make your port six days a week instead of four, but would want an increased rate, and that you returned and discussed the matter with your local people and they thought it was simply an effort to pry up rates.

Mr. JENKS. I had no notification of an advance in rates, sir. Nothing was said about rates.

Mr. DAVIS. There was no specific mention of rates?

Mr. JENKS. No, sir. If I made any such statement, it was inaccurate.

Mr. DAVIS. I understood you to say your local people thought at that time it was simply an effort to pry up rates.

Mr. JENKS. Exactly.

Mr. DAVIS. But they never did advise you what rates would be charged?

Mr. JENKS. It was not a question of rates at all. As I started to explain, in my opinion, they could not operate those boats on freight alone. It was a question of passenger service as well.

Mr. DAVIS. I presume it would contemplate an increase in passenger rates as well as freight.

Mr. JENKS. I think they did increase the rates. I think as their expenses increased during the war they did increase the rates in the same ratio as the railroads increased their rates.

Mr. HARDY. Is it not a fact if they get the rates high enough and get business enough, it would not make any difference how much expense they would have to pay, they could run the boats?

Mr. ROSENBLOOM. That is true in any business. [Laughter.]

Mr. JENKS. I think we would have to concede that, sir, provided the conditions hold out.

Mr. HARDY. Then what I want to know is if they have found it necessary to charge above the railroad rates in order to pay expenses——

Mr. JENKS. They could not get the business.

Mr. HARDY. Could they get it if they charged only slightly less than the railroad rates?

Mr. JENKS. In our particular isolated sections they could.

Mr. HARDY. What I want to get at is whether it is some complaint of this law they want amended, that would drive them out of business, or a lack of business.

Mr. JENKS. It certainly is not a lack of business. The business is there and always has been. They have lost their business, and I think to some extent I understand why they have lost it.

Mr. HARDY. The general understanding is where railroads have been built to serve a community they have driven water competition off long before the seamen's act.

Mr. JENKS. That is not true in our section. It is not true in eastern Michigan, nor is it true in western Michigan.

Mr. HARDY. Might it not be true on the Lakes?

Mr. JENKS. It is not true in our section.

Mr. HARDY. The railroads have the lowest rates on the Lakes of anywhere in the United States, I think.

Mr. MACLEAN. We have a gentleman here representing the Port Huron Chamber of Commerce who has had experience in all lines of vessel work, and I would like Capt. Crosby, of Port Huron, to be heard at this time.

STATEMENT OF CAPT. W. J. CROSBY, REPRESENTING THE CHAMBER OF COMMERCE OF THE CITY OF PORT HURON.

Capt. CROSBY. I want to say at the present time I am President and general manager of the Nipigon Transit Co., and also the North Shore Transit Co. We operate a line of pulp-wood boats. Prior to the passage of the seamen's act in 1915, we operated the steamer *Ford*, a vessel of 609 tons gross capacity, with a crew of 13 men. After the passage of the seamen's act we were compelled to carry a crew of 17 men. Those four extra men, for whom we had entirely no use, will cost that little vessel for maintenance and wages this season a trifle over \$5,000.

Mr. BRIGGS. A season?

Capt. CROSBY. Yes, sir.

Mr. BRIGGS. The season on the Great Lakes is how long? About six months?

Capt. CROSBY. We operate in the pulp-wood trade about 210 to 225 days. Under present conditions we can not compete with the Canadian boats in the same trade.

Mr. HARDY. Right there, will you let me ask you a question? In the seamen's act I see this proviso: Provided, that foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment and the manning of same. If that law is enforced won't Canadian boats operating to American ports have to have the same amount of service you have?

Capt. CROSBY. No, sir. They are not compelled by law to carry any more of a crew than the officers of that Canadian vessel deem necessary.

Mr. HARDY. That is a proviso of the law I have just read to you—they are required to be equipped and manned just like an American boat if they trade into an American harbor.

Capt. CROSBY. That is not so. They do not do that. If that is the law it is not enforced.

Mr. HARDY. I just wanted to know about that.

Capt. CROSBY. Yes, sir.

Mr. BRIGGS. You are referring to combination boats, both passenger and freight, or just freight?

Capt. CROSBY. Just freight. I am just talking about this particular type of boat. I am not going to say regarding the Port Huron Chamber of Commerce and the way it affects them. Mr. Keefer, the president, is here and will talk on that point, and I will just say to the committee the conditions on which we are operating for pulp wood and similar classes of tonnage.

Mr. DAVIS. Are there any other features of the seamen's act that you find unduly burdensome except the one requiring additional personnel?

Capt. CROSBY. Yes. We find the seamen's act irksome in the smaller class of tonnage, because our run—if we go to the Soo River for pulp wood, about 24 hours, we are in port four to six days loading. We can not use the coal passers; they are not allowed to do any work loading. They can go fishing or anything else, but we have no use for that extra fireman. And the conditions generally are a little bit irksome for the master. The men are continually asking for their time, and all that sort of thing.

Mr. DAVIS. You mean the hours?

Capt. CROSBY. The hours; yes, sir. We can not work them loading.

Mr. DAVIS. Do you find the requirement as to seamen's quarters irksome or not?

Capt. CROSBY. No, sir. I have filled every position on a boat from deckhand to master and am now in the council of management, and I do not believe in mistreating any sailor. I believe in feeding him well and treating him well—good food and good quarters—they are entitled to that—and good wages.

Mr. DAVIS. You do not consider the requirements of the seamen's act in those respects unduly burdensome or unjust?

Capt. CROSBY. On the smaller class of tonnage, I would say this, that the housing conditions are not as good for the extra men as I would like to see them on the smaller boat, because they take up cargo space, and they are not any better housed than they should be.

Mr. HARDY. Do you think a boat ought to be permitted to go out with less than two watches for a 16-hour run or a 15-hour run?

Capt. CROSBY. Two watches is fine, Congressman. I believe all vessels covering a run of 16 hours should have two watches.

Mr. HARDY. How about a 15-hour or a 12-hour run.

Capt. CROSBY. A 12-hour run—it would depend on the size of the boat or between what points she was operating.

Mr. HARDY. A man would not be very spry if you kept him on watch for more than 12 hours, would he?

Capt. CROSBY. No, not for more than 12 hours. That would be a hardship.

Mr. HARDY. This bill only requires two watches in cases of 16 hours or more. Is not that, even under your view, stretching the law a little?

Capt. CROSBY. No; I do not think so. In the old days, when I graduated, we had a six on and six off watch. I like that: I think it is fine.

Mr. HARDY. Is that two watches?

Capt. CROSBY. Two watches, Congressman, on the smaller class of tonnage.

Mr. HARDY. You would want at least two watches, would you not?

Capt. CROSBY. At least two watches on boats, yes, depending on the size of the vessel and where she was operating.

Mr. FREE. Tell us the other objectionable features of the act.

Capt. CROSBY. I have told you of the three-watch system on the small boat. I believe that the extra watch there is a menace to the safety of the small boat. We have not the housing conditions, and in case of fire or anything else like that, an accident, they are simply in the way in getting the boats away. They are just like passengers. Take the coal passer, he is not a sailor; a deck hand usually is not a sailor. They are landlubbers, you know.

Mr. DAVIS. Do you employ American citizens altogether, or partly American and partly foreign?

Capt. CROSBY. We usually employ American citizens, but it is very hard to determine, Congressman. The Canadians are all good sailors. It is very hard on the Great Lakes to determine who is an American and who is a Canadian. They are practically all Canadians and Americans on the Great Lakes, and there are a few Norwegians.

Mr. DAVIS. Are there any Chinamen on your ships of any consequence that are employed in the traffic on the Great Lakes, as far as you know?

Capt. CROSBY. I was 35 years a master of a steamboat, and I never saw a Chinaman on a Lake vessel. I am speaking of the Lakes only—the five Great Lakes.

Mr. BIGGS. I would like to ask you with reference to the success of the American vessels as compared with the Canadian vessels. Under what conditions do Canadian ships operate, as to size of the crews, as compared with American ships of the same tonnage—the same class of vessels?

Capt. CROSBY. Both Canadian boats of the same size of the *J. C. Ford* operate with five and six less men. And they do not pay within about 20 per cent of the wages—the Canadian boats.

Mr. BRIGGS. In spite of that fact, have your boats been operating at a profit until recently, since the passage of this act?

Capt. CROSBY. We paid a little income tax in 1917. Last year we broke just about even or a little to the bad, and this year we expect to go under Canadian registry if we can not get some redress at this conference.

Mr. BRIGGS. How many vessels do you operate?

Capt. CROSBY. In the pulp-wood trade we operate two.

Mr. BRIGGS. And in other trades?

Capt. CROSBY. We have an American tug which I have transferred to Canadian registry, and that is about the size of our fleet.

Mr. BRIGGS. Is it a question of business or a question of conditions under which you operate with respect to the seamen's act? In other words, is the business holding up or is it falling off?

Capt. CROSBY. I understand from the people we are contracted with that the paper business has fallen off to such an extent that they asked for bids to carry their pulp wood and the Canadians offered to carry it for \$3.50, and we can not meet that under present conditions. It is absolutely impossible to do it.

Mr. DAVIS. How do the wages per man, paid by the Canadian operators, compare with the wages paid by you American operators in the same employment?

Capt. CROSBY. It will mean about \$35 per month per man difference in the able-seamen and fire-hold departments.

Mr. DAVIS. You mean the American operators pay about \$35 more?

Capt. CROSBY. The American sailor will get about 25 to 30 per cent more than the Canadian sailor.

Mr. DAVIS. Do you think there is any difference in the efficiency of the two?

Capt. CROSBY. No; I think the best sailors on the Great Lakes are the Canadians and the Americans. There is no difference between the two classes.

Mr. HARDY. Are you not allowed to employ the Canadian just as readily as the American? There is no law to prevent your having a Canadian crew is there?

Capt. CROSBY. No; no more than the fact that the seamen and firemen, the Americans, are pretty well organized and we do not want any trouble. They have been fairly good to us in a way, and we have to pay the wages to operate our boats.

Mr. HARDY. That is a question of a failure to agree with the labor you have, instead of a question of the seamen's law, is it not?

Capt. CROSBY. No.

Mr. HARDY. The seamen's law does not require you to employ Americans?

Capt. CROSBY. No; but the seamen's law compels me to carry men that are useless to us—absolutely useless.

Mr. HARDY. You spoke of the difference in wages, 25 to 30 per cent difference in wages, that adds \$30 per month to the American seaman's wages. But you can go and employ Canadians with perfect freedom under the seamen's law?

Capt. CROSBY. Yes.

Mr. HARDY. Then, I ask you if the seamen's law is causing the difference in wages?

Capt. CROSBY. I would not say that; no.

Mr. HARDY. So that that complaint does not lie against the seamen's law?

Capt. CROSBY. No.

Mr. ROSENBLOOM. If you were not compelled to employ an excess number of men, in your opinion, could you then operate at a profit and still pay the same wage you are now paying; that is, a greater wage than the Canadian boat pays? If that one provision there were eliminated, would you still be able to pay this increased wage?

Capt. CROSBY. I think we would sooner pay it than change our registry. We could come to some agreement with the unions if it was not for the excess men.

Mr. ROSENBLOOM. That is of more hindrance to your successful operation than the difference in wage?

Capt. CROSBY. Yes, sir. We would like to come under rigid United States inspection regarding equipment and all that sort of thing.

Mr. BRIGGS. How do the wages for the American, for similar service, compare with those paid to the Canadian?

Capt. CROSBY. About 20 to 25 per cent more.

Mr. BRIGGS. I mean in dollars and cents, if you can estimate it, for similar positions.

Capt. CROSBY. The wages last year on American boats were \$125 a month.

Mr. BRIGGS. For what?

Capt. CROSBY. For the able seamen and firemen. I am talking about the able seamen and firemen when I refer to the wage scale.

Mr. FREE. Is that with or without board?

Capt. CROSBY. With their maintenance, of course. And on Canadian boats they were getting all the way from \$85 to \$90, not more than \$90, from our competitors in the pulp-wood and lumber business.

Mr. DAVIS. Are the Canadian seamen in a union organization?

Capt. CROSBY. I understand they were organizing the Canadian sailors last winter, this past winter.

Mr. DAVIS. If you employ a Canadian seaman are you compelled to pay him the same wages you pay the Americans on board?

Capt. CROSBY. Yes, sir.

Mr. DAVIS. The union requires that that be done?

Capt. CROSBY. If we carry union men, why, of course, they require that we pay union wages.

Mr. BRIGGS. Was there a strike of the Canadian seamen on the Lakes last summer?

Capt. CROSBY. There was; yes, sir.

Mr. BRIGGS. Was that an organization strike or individual?

Capt. CROSBY. They went back as individuals. I was in Port Arthur at the time the strike was settled. I do not understand who ordered it or whether they were organized over there, but anyway I do not think they made anything by the strike.

Mr. MACLEAN. Capt. Crosby will be at your command at a later date for any further inquiry that you desire. As far as the interests we represent are concerned, we do not care whether the seamen's union, the American Federation of Labor, or anybody else runs these

ships. If the American Federation of Labor is in a position to run these ships under the navigation laws, for God's sake let them do it. We want transportation.

Mr. DAVIS. You understand the members of the committee want to get all the facts and from different points of view?

Mr. MACLEAN. I appreciate that; but we do not care who runs the ships. We want ships. We have now no ships on the American line between Detroit and Mackinaw, and we want some. Just what the differences are we are not here to say. We have not got the ships, and if the American Federation of Labor wants to run the two ships from Detroit to Mackinaw, we want them to do it; or if any one can do it, we want them to do it. We are here to explain what the conditions are. We are up against it. And we will hear from Mr. M. L. Miller, who represents the fruit growers of Put in Bay, Ohio.

STATEMENT OF MR. M. L. MILLER, REPRESENTING THE FRUIT GROWERS ON PUT IN BAY, OHIO.

Mr. MILLER. I represent the fruit growers on Put in Bay, which is one of the islands of the Lake Erie archipelago, the principal islands of which are North and Middle Bass, Kelleys, Put in Bay, and Catawba. These islands lie off the Ohio shore, are part of the State of Ohio, and have a population of approximately 2,000 people.

All along the Ohio shore the principal industry is raising fruit, and the regions of the Ohio shore are in practically the same position as far as the handling of their fruit is concerned as the islanders, with the one exception, that they are on the mainland and can, by long hauls, ship their fruit by the railroads. The growers on the island are entirely dependent on the boat service; we have no railroads. We have no way whatever of transporting our fruit except by boat.

For a period, going back approximately 50 years, these islands have been served during the spring and fall by the Ashley & Dustin Line of Detroit, which is operating a boat from Detroit to Sandusky, direct from all these various islands, handling freight and carrying our produce to the market.

The principal fruit raised on these islands consists of grapes and peaches. There are also pears, apples, and plums, but they are not a majority. The principal fruits are grapes and peaches, and the peach market is and always has been Detroit. The reason for that is that Canada has very little fruit production. There are practically no peach orchards of consequence in Canada near Detroit. For that reason Detroit has been an exceptional peach market, because approximately half of our peaches go across into Canada.

As I said before, for 50 years this boat line has been serving this district and, as a consequence, the development has taken place around the boat service. We have depended on the boat service to handle fruits and have naturally built up our orchards, assuming that service would always continue. Last year the Ashley & Dustin people withdrew the boat that had been giving the spring and fall service, named the *Frankie Kirby*, and stated as their reason that in the season of 1919 they grossed \$19,000 more than they ever did

before, but showed a loss of \$9,000. That was their statement. And they attributed it directly to the cost of operation of their boat. We tried every means available at our hands to induce them to put this boat back, but they said, "No; the seamen's law is responsible for this loss, and inasmuch as it is not changed, we can not put our boat back in the service." We are therefore up against it for a way to transport our fruit to market.

It ran along into the summer. We had absolutely no way of any kind and could get no boat and we tried all summer long. Various delegations went all over the country trying to get a boat to handle this fruit. We offered freight rates that seemed prohibitive, but it was a case of life or death and we had to do it. Finally we got an old wrecking tug that was fixed up and, with what we considered a very high freight rate, carried our fruit to the market last fall, but in a very unsatisfactory manner. Hundreds of bushels of peaches were lost by our officials because of the water that splashed over the side of the boat, and these peaches were carried on open decks, absolutely open to the weather, and the boat was so slow she could not make the time; she could not get down there and back in time to handle the peaches before they started to deteriorate.

We are in the same condition to-day. We can not rely on that boat again, because we had an exceptional season last fall, and everybody realizes if it had been bad weather we would have been losers. Therefore, we ask this committee to give us some assistance

I have here a petition I would like to present as part of the record. I will read it:

We, the undersigned, fruit growers and shippers of the islands Put in Bay North and Middle Bass, Kelleys, and Catawba, in Lake Erie, do hereby petition your honorable body for relief from the present act of Congress known as the La Follette seaman's law, many of the provisions of which serve, because of their undue severity as regards shipping on the Great Lakes, to deprive us of the larger part of the boat service upon which we depend for our very existence.

The perishable nature of our fruits and produce, which aggregate annually more than \$1,500,000, demands quick and adequate service in moving them to market. Two of the three steamers which in past years have served these islands have been discontinued, and the schedule of the third has been curtailed, owing directly to the effect of the seamen's law. And, moreover, as a result of the same law, freight rates have been mounting steadily, until they have reached virtually a prohibitive point.

We hereby indorse the recommendations of the "Seamen's Act Conferences" held at the Detroit Board of Commerce, Detroit, Mich., April 8 and 9, 1921, for the purpose of expressing the sentiment of the Great Lakes district in connection with revision of the seamen's law.

This petition is signed by over 300 growers and producers of fruit on those islands.

MR. HARDY. What is the distance from your islands to Detroit?

MR. MILLER. 60 miles.

MR. HARDY. Are not your water rates cheaper than any railroad rates from inland countries equally distant?

MR. MILLER. I can not answer you that, but we pay 42 cents a bushel for peaches. That includes dockage and freight. Of course the docks at both ends charge us dockage.

MR. HARDY. Do you think it is possible that transportation by boat under the seaman's law is greater than that by rail?

MR. MILLER. I can not tell you. We have no way of knowing what the cost would be by rail from our island because, unless we figured the cost around through Sandusky, around through the Toledo gate-

way, and got to Detroit that way, of course the cost of getting to Sandusky would be practically the same as getting to Detroit by boat. I do not know what the freight rates would be from Sandusky to Detroit, because it is an absolutely unfeasible proposition for us to consider shipping our fruit that way. We could not do it: it would not last that long.

Mr. BRIGGS. Has there been any effort on the part of those vessel operators to transfer ships to Canadian registry?

Mr. MILLER. I do not know anything about that.

Mr. BRIGGS. You do not know whether those vessels operate under American registry or Canadian.

Mr. MILLER. Mr. Dustin, of the Ashley & Dustin lines, is here and can answer that question.

Mr. DUSTIN. We are under American registry and did not make any effort to go to Canadian. A Canadian boat can not operate in American waters. That is what we call coastwise trade. If we had our boat under Canadian registry we could not go to Kelleys Island, Catawba Island, North and Middle Bass, and Put in Bay, because we would be a coasting American vessel. We can land at an American port; we can go to Muskegon and load and bring it into a Canadian port, such as Amherstburg, but we could not stop and take on and discharge cargo for American ports between Muskegon and Amherstburg.

Mr. BRIGGS. You would fall under the coastwise trade?

Mr. DUSTIN. Yes.

Mr. HARDY. Do you know whether either of those vessels that were taken off, that their boilers had been condemned by the United States inspection service?

Mr. MILLER. I think one of the boats mentioned here in this petition was the *Tourist*. That was a small steamer that was built especially, I think, for ice-breaking purposes. They used it to break ice in the spring and fall to give us very early service. There is another gentleman here who will take up that matter.

Mr. HARDY. Was that the *Kirby*?

Mr. MILLER. No; that was the *Tourist*. That boat had to cease operations and was sold because they could not carry enough passengers during the season she was built for to pay the cost of operation. And the *Kirby*, I think, during the season of 1919—of course, we have no idea whether the boilers were good or not; the farmers are not capable of going into those things, but we have heard some talk about renewing the boilers of the *Kirby*. I do not think I am competent to answer you whether the boilers are all right or not. But she must have passed inspection because she ran in the season of 1919. I do not think there was any effort to bring her out in the season of 1920, so I do not think the boilers had anything to do with it, but I do not know.

Mr. HARDY. What I want to get at are the facts.

Mr. MILLER. Mr. Dustin can answer that question.

Mr. HARDY. If this is just a drive by the owners of the boats to repeal the seaman's law, that is one thing; but if it is public necessity by which people are deprived of facilities, because of requirements under the seaman's law, that is another thing. So that I ask you, with reference to your island, there is only water transportation available?

Mr. MILLER. Yes, sir.

Mr. HARDY. And yet with the requirements there for three boats, they have taken off two of them. Now it seems to me that boat transportation is cheaper, even under the seaman's law, than rail transportation possibly can be, and if they took it off it must have been for some other reason and not because of the burden of one or two or three—I believe you or Capt. Crosby said on one boat he had to increase from 13 to 17 men. If the addition of those men makes it so you could not name a rate that they could operate and you prosper under, then we have to go to something else; but if you can still ship your freight cheaper than to Detroit by rail, why the remedy would seem to be, as it seems to be otherwise desirable, for them to raise the rates.

Mr. MILLER. I might answer you this way on that freight raising question, that a freight rate of 42 cents a bushel costs me—this is my own observation—from the time the peaches are ready to pick on the tree, one dollar to get that bushel of peaches on the dock at Detroit. Now that does not contemplate any cost prior to the time the peach is ripe. It does not contemplate the value of the land or the depreciation of the land or the upkeep of the land or tilling or spraying the trees, or trimming the trees—which is a big item.

Mr. MACLEAN. If the committee will permit me, Mr. M. S. Johansen, president of the Put in Bay Board of Trade, is here and is in a hurry to catch a train.

Mr. ROSENBLOOM. The first intimation you had from the company of its inability to continue the service was about a year ago; is that correct?

Mr. MILLER. At the start of the season of 1920.

Mr. ROSENBLOOM. Now this convention that was held in Detroit to which this petition refers—when was that held?

Mr. MILLER. April 8 and 9, 1921.

Mr. ROSENBLOOM. About what length of time intervened between the meeting in Detroit and the discontinuing of the service?

Mr. MILLER. One year, or one boat season. We were without use of the boat in the season of 1920.

Mr. ROSENBLOOM. And then the following winter that meeting was held.

Mr. MILLER. This last spring, this last April.

Mr. BRIGGS. You do not know to what extent the operating costs were increased by other reasons—other causes than the seaman's act?

Mr. MILLER. I know nothing at all about operation.

Mr. BRIGGS. That is, the increased cost of fuel or anything else of that character.

Mr. MILLER. I know from general observation that costs did increase. Of course we were willing as farmers to stand our proportionate share in freight rates, which have to keep up with the cost of operation; but we can not stand freight rates that make it unprofitable to produce our fruits.

Mr. HARDY. As I understand, you do not know what per cent of the total cost of transportation would be involved in these four additional men, from 13 to 17, on board of the vessel Capt. Crosby spoke of?

Mr. MILLER. Oh, I know nothing about that.

STATEMENT OF MR. S. M. JOHANNSSEN, PUT IN BAY, OHIO,
PRESIDENT OF THE PUT IN BAY BOARD OF COMMERCE.

Mr. JOHANNSSEN. Mr. Chairman and gentlemen of the committee, I want to emphasize what Mr. Miller just said of the fruit-growing industry at the islands. That part he has not stated any too strong. I would add to that simply that fruit must go to the market at a certain time, when it is ripe; otherwise it will deteriorate and rot. You may say "They can raise something else." These farmers can not raise something else, because the limit of their acreage is from 10 to 15 acres, and it is only in that way they can be made productive so that the family can make a living off of it by fruit growing—grapes and peaches, not potatoes nor wheat, even if the soil were fitted for it.

Now, I do not want to repeat what Mr. Miller has said; I do not want to take up your time, but these islands—I am talking about the same islands Mr. Miller was talking about—are located about in the middle of Lake Erie, 60 miles from Detroit, the same distance from Cleveland, about 45 to 48 miles from Toledo, and 22 miles from Sandusky. The people who live there—I am talking about Put in Bay Island in particular, where I am living, which is the larger of these islands—there are about 500 people living there now. The population has decreased in the last five years about 100. The principal way of getting a living there, aside from fruit growing, is a summer resort. Put in Bay perhaps has no equal anywhere as a natural resort. There are about 1,800 acres there, and the part of the island devoted to a summer resort is all along the shore, where there are summer cottages and hotels. The people from Toledo, Cleveland, Columbus, and Detroit have summer homes there. It is not a summer resort such as you may think of, in a general way, simply run by a corporation during the summer time and then abandoned in the fall, to take up operation again the next summer, as you find a good many resorts along the Lakes and elsewhere; but this resort has been built up and is being maintained by the home people of the island, the people who live there the year around, and who are entirely dependent upon it.

We have a municipal corporation there and, as every municipal corporation has, we have a large indebtedness. In fact, our indebtedness is to the limit, the bond indebtedness, for furnishing pure water, sufficient sewage facilities, public parks, and so forth. And we have schools there and we try to maintain and are maintaining them, and perhaps the cost of maintaining these schools is larger than in any other part of the United States, because we try to maintain and are maintaining a first-grade high school.

Mr. HARDY. You say you have a population of 500?

Mr. JOHANNSSEN. 500; yes, sir—482. We therefore have to employ, although we only have 65 pupils in our schools, four teachers; two teachers of the high school, in order to maintain it as a first-grade high school. And the cost per pupil from the primary grades, including the seniors in the high school, is \$125.

In addition to a summer resort which is operating there, the United States Government maintains a fish hatchery for the propagation of white fish mainly, as does also the Ohio State hatchery,

where Ohio State is maintaining a hatchery there. They propagate and plant as many as 500 million little white fish there every spring, besides hatching out pickerel and herring. Some years ago, to perpetuate the memory of Commodore Perry who redeemed the great Northwest at the battle of Lake Erie in 1813, the United States Government and the States along the Great Lakes, in 1913, made an appropriation to build a memorial there at a cost of \$1,000,000—one of the finest in the world. This memorial, of course, was built primarily in memory of Commodore Perry and his men, as well as to commemorate 100 years of peace between the two English-speaking nations, Great Britain and this country, and to stimulate patriotism and good citizenship.

Mr. ROSENBLOOM. That was before the passage of this act?

Mr. JOHANNSEN. No, sir. It was completed in 1915. What I was going to say simply is this—the intention was and this memorial has been visited and is being visited every year by over 200,000 people—it is self maintaining. They charge 25 cents to go to the top. It is a Doric column, 325 feet high. It is self maintaining and the Government is not put to any additional expense. The commission that constructed this memorial was composed of such men as Gen. Nelson A. Miles, Gen. Keefer, John H. Clark—at present on the Supreme Court of the United States—Col. Henry Watterson, etc.

Then we come down to the operation of the boats. At the beginning of the La Follette Act there were eight boats operating at Put in Bay, between the cities of Toledo, Cleveland, Detroit, and Sandusky.

Mr. BRIGGS. About what size boats were those?

Mr. JOHANNSEN. All the way from 100 passenger to 3,000.

Mr. BRIGGS. What was the tonnage?

Mr. JOHANNSEN. The tonnage, I do not know. It is passengers I am talking about.

Mr. BRIGGS. That is all right.

Mr. JOHANNSEN. Most of them operated, of course, during the height of the season. Of those eight boats, four have been withdrawn at the present time. The first one to be withdrawn was the steamer *Lakeside*.

Mr. BRIGGS. When was that?

Mr. JOHANNSEN. Three years ago. She was a boat that was specially built for ice breaking, quite a large boat, stern wheeler, carrying 800 to 900 people. She operated to supply the resort in the summer, and particularly the population during the late fall and early spring, giving service up until after the holidays, up to the 1st of January, and coming out again anywhere between the middle of February and the 1st of March. She was a fine steel steamer, very comfortable. She was sold because they could not make expenses.

Next came a little steamer, the *Tourist*, that Mr. Miller mentioned, that could carry 100 people. She was a smaller vessel, I think 75 feet long, built of steel, and could break some ice. Under the La Follette Act she was only allowed to carry 12 passengers during the spring and fall—during the time in the service when she was needed. During the summer she would run small excursions, and so forth; but during the spring and fall she would only run to the islands up there, and could only carry 12 passengers, and carried a crew of four,

manned under the La Follette Act. She was sold down at Erie, Pa., and converted into a fishing tug.

The next best thing to take the place is a little bit of a gasoline boat that is operating now.

Mr. SCOTT. That is the one you went out and got?

Mr. JOHANNSEN. Yes. I think it is about 55 feet long. I do not know what horsepower gas engine it has. Anyway, this boat, as soon as the ice permits in the spring and as late as it is permitted by the ice in the fall to navigate, runs to accommodate the island people. It is not that they want to travel on a boat of that kind, but because of necessity. I came over in that boat this year in March, when it was loaded to the water's edge with freight—hay and everything imaginable—and in the center of it were piled 48 people. This boat does not come under the La Follette Act at all. It can do anything it wants to. Those people were homeward bound, and you know what people will do when they are homeward bound—they will take anything; so that those people took anything they could get hold of, and they were bound for home. Quite a sea was rolling, and most of them were seasick, and nearly all of them said they wished they had stayed ashore. There were only two men operating this boat, and there would be only one operating it if it was not for handling the freight. There is no lifeboat or life raft, and they would not have the little boat behind only in case of fire. They can pile this boat as full as they want to, as far as the law is concerned; as many people as want to can get on. There is not anything to interfere. But, gentlemen, some day something will happen that will wake up the people who are responsible for such laws or neglect of laws.

Mr. FREE. You want this act to apply to that boat, then, do you?

Mr. JOHANNSEN. No, sir, we want boats that we can travel on comfortably. This boat supplies the service; and then we have another boat, the steamer *Arrow*.

Mr. HARDY. Before you leave that boat that carries 12 passengers, they were required to have certain equipment?

Mr. JOHANNSEN. Yes, sir.

Mr. HARDY. And without this equipment the passenger capacity was reduced, but with that equipment it was not reduced, under the seaman's act?

Mr. JOHANNSEN. Yes; it was reduced. In the summer time, for excursions, 112, I think, is the number.

Mr. HARDY. And in the wintertime they had fewer passengers unless they have the boat equipped to meet contingencies; and they did not have the boat equipped, and so they had to reduce the passengers. Is not that correct?

Mr. JOHANNSEN. I can not answer that. I can say we have another boat there, the steamer *Arrow*, that runs on the same route, coming out about the first week in April, and which runs until the last week in November.

Mr. HARDY. My impression is, and I think I am right, and perhaps you understand it that way, too, that on those winter routes where the ice and the other dangers infest the sea, in order to carry passengers, passenger boats were required to carry certain equipment proportioned to the number of passengers they carry, and if they did not have the equipment they could not carry the passengers.

Mr. JOHANNSEN. I do not think so. It did not apply. I will give the illustration of the steamer *Arrow*——

Mr. HARDY. This boat you mention here, which could only carry 12 passengers in the winter, in the summer could carry 112?

Mr. JOHANNSEN. For the same reason the steamer *Arrow* in the winter is only allowed 80 passengers; in the spring and fall, up to the 15th day of May, from the 15th of December, she is only allowed 80 passengers, whereas between the 15th of May and the 15th of December she is allowed 800.

Mr. HARDY. Isn't she limited owing to the possibility of taking care of them: is not that the purpose?

Mr. JOHANNSEN. I do not know about that.

Mr. HARDY. That was the purpose of the bill.

Mr. SCOTT. Prior to the passage of the La Follette Act, when you were operating, you say you had eight ships operating there for a great many years. That country was built up under those conditions, was it not?

Mr. JOHANNSEN. Yes, sir.

Mr. SCOTT. How many lives did you ever lose in that operation, prior to this law that was put on the statute books to protect lives.

Mr. JOHANNSEN. I have lived there for 32 years, and in that time on all the boats of the Cleveland & Sandusky Line not one life was lost, and we had very good service and very nice boats, thanks to the enterprise of the steamboat people.

The next boat we lost was the steamer *Kirby*, as Mr. Miller has explained.

Another boat we lost was the steamer *City of New York*, running between Cleveland and Put in Bay, a passenger boat. Her route has partially been supplied by the C. & B. Line in connection with the run to Cedar Point. It is not of much service to us, but better than none. And what we are dreading is simply the fact we have this steamer *City of Erie*, and if something should happen to the sister boats on the line between Cleveland and Buffalo, and she was taken off, we would be without a boat there.

Mr. ROSENBLOOM. That has not happened yet?

Mr. JOHANNSEN. No; it has not happened yet, but those things happen. When this Nation started to be a republic the others all followed.

Mr. FREE. They either followed or went ahead of us.

Mr. JOHANNSEN. Yes, sir. And there have been no new boats built since the seamen's act went into effect. The question comes up sometimes, some of our people say thoughtlessly, let us build our own boats, independent of these passenger steamboat people. You know the answer to that is very clear. In the first place, it takes money to build these boats, and unless there is the prospect of prosperous business ahead, you must pay full in cash. You can not borrow on those things from the shipbuilders; they won't take 50 per cent in bonds or mortgages. And then if these steamboat men can not operate successfully, who have spent a lifetime in developing these lines, we could not do it under the same conditions.

Mr. BRIGGS. Has not the passenger business fallen off there at all during recent years in the operation of those vessels.

Mr. JOHANNSEN. No; I do not know that it has fallen off.

Mr. BRIGGS. Do you mean to say the boats have been carrying just as many passengers and just as much freight as usual, and yet the boat owners have taken the boats off the line when they have exclusive privileges between those points?

Mr. JOHANNSEN. I can not say that it has; I do not know. But I know if we had kept those other boats, we would have had a great many more passengers there.

Mr. BRIGGS. You are talking about the successful operation of those ships and trying to find out what the causes are for any decline with the ships, and I am trying to find out what the causes may be.

Mr. JOHANNSEN. I am only familiar with this one boat, the *Arrow*, which carries 80 passengers in the spring and 800 in the summer. I know at one time she was operated with one engineer and fireman, because she only operated for six hours a day.

Mr. BRIGGS. I am referring now to the business that was carried by these vessels, the amount of traffic they had, passenger and freight. Is it not a fact that during the war a good deal of this traffic fell off?

Mr. JOHANNSEN. No, sir.

Mr. BRIGGS. It did not.

Mr. JOHANNSEN. With us it was different. It seemed that everybody at Detroit and Cleveland earned such high wages they could afford to come.

Mr. BRIGGS. When did this trouble come. When did this trouble, because of which the ship owners said they could not operate, come?

Mr. JOHANNSEN. About three years ago.

Mr. BRIGGS. That was shortly after the armistice or just before that time?

Mr. JOHANNSEN. Yes, sir.

Mr. BRIGGS. It started in just after the close of the war and has continued since?

Mr. JOHANNSEN. Yes, sir.

Mr. BRIGGS. What causes were assigned; simply the fact the excess requirement of men on those ships was the cause of that, or have there been other causes as well? I mean the additional cost of coal, equipment, and supplies generally, the mounting costs that attached to all industries, boats and everything else?

Mr. JOHANNSEN. I think that has been partly the cause, but I know this much, that the steamer *Arrow*, they can only carry 80 passengers in the spring and fall. Now, if their season could be extended beyond the 15th of September to the 15th of October, when they have fine weather up in Lake Erie, and they could keep on carrying excursions to the limit of 800 people, and then resume before the 15th of May, say from the middle of April on——

Mr. HARDY. Let me say to you here, this bill that is now introduced is similar to a bill introduced at the last session, and there was an agreed report which passed the House, extending your summer season as you suggest. All of us seemed to be ready to agree on that. That would obviate that part of the difficulty. But this other matter, of taking your two watches away, up to 16 hours, is another proposition.

Mr. JOHANNSEN. I do not know anything about that, but this much I do know that if the season would be extended we would have much better prospects of the boats remaining there.

Mr. BRIGGS. Have you any assurance of that from the ship operators?

Mr. JOHANNSEN. It is only natural. We can say that because the profits from the whole season will warrant them operating a whole season.

Mr. HARDY. What is the fare from Put in Bay to Detroit, a distance of 60 miles, I believe you said?

Mr. JOHANNSEN. The passenger fare?

Mr. HARDY. Yes.

Mr. DUSTIN. Ninety cents, including war tax.

Mr. HARDY. Ninety cents for sixty miles?

Mr. DUSTIN. Eighty cents net.

Mr. HARDY. That is about a cent and a half a mile or a little less. Can you travel anywhere else in the world on railroads as cheap as that?

Mr. JOHANNSEN. Maybe not; no.

Mr. HARDY. If they raised that one-half, paid half as much again and made it somewhere approximate the railroad charges, would not those four men Capt. Crosby spoke of be taken care of by that increased rate?

Mr. SCOTT. They would be if you allowed them to carry 800 passengers; but if you multiply 80 by 12 cents it does not make much of a return.

Mr. HARDY. We are talking about increasing the rate on the entire business and, in addition to that, you have more passengers if you have more facilities.

Mr. GAHN. Would not that addition just serve to drive them off the water and they would go to the resort along the shore?

Mr. JOHANNSEN. I was just going to answer that question. They have keen competition.

Mr. DAVIS. Mr. Johannsen, as I understand it, the provisions in the seaman's act in regard to life-saving equipment and having so many watches on board were designed for the protection of human life. Now do I understand that you and the other representatives of the patrons of this service here are not concerned in the retention of those provisions either in whole or in part?

Mr. JOHANNSEN. Well, of course, that gets into the operation of steamboats. I do not know much about that. Only the causes should be remedied, so that we would have a continued operation and good passenger service during the summer and, for our home supplies, as late and early in the spring as we can.

Mr. DAVIS. In other words, you patrons of the service of course are the ones primarily interested in the safety of the service.

Mr. JOHANNSEN. Yes, sir.

Mr. DAVIS. Now do I understand that you regard the danger from the lack of adequate safety to be so remote that you are willing for that safety to be discontinued in order to get an increased commercial service?

Mr. JOHANNSEN. Yes, sir; as I said, for 32 years I have lived there and never a life has been lost. And compared with the service we have to put up with now——

Mr. BRIGGS. You do not mean to say that no lives have been lost on the Great Lakes. You mean in that one service?

Mr. JOHANNSEN. Between Cleveland, Toledo and Detroit. I understand on the Great Lakes there have not been any lives lost except by suicide.

Mr. BRIGGS. Don't you understand on the Great Lakes there have been wrecks and loss of life in recent years?

Mr. JOHANNSEN. On passenger boats?

Mr. BRIGGS. I do not know whether they were passenger boats but there have been losses of lives on boats.

Mr. JOHANNSEN. No, sir; except the *Eastland* at Chicago.

Mr. BRIGGS. You do not know of any other vessels; you do not mean to say none have ever foundered on the Great Lakes?

Mr. JOHANNSEN. Not in the 32 years I know of.

Mr. BRIGGS. You do not mean to say there are none; you mean to say you know of none, but there may have been such cases?

Mr. JOHANNSEN. I do not know of any on Lake Erie.

Mr. ROSENBLOOM. Is it not a fact the demand for service on Lake Erie has decreased in the last couple of years?

Mr. JOHANNSEN. I do not know.

Mr. ROSENBLOOM. And that the boats are being discontinued as much from lack of business as from the hardships of this act?

Mr. JOHANNSEN. No, sir; in the first place, they can not increase their force in view of the competition they have, and all along the river and along the shores of Lake Erie, with these small summer resorts springing up they could not increase their force and compete.

Mr. ROSENBLOOM. The springing up of resorts affects the demand for service to Put in Bay. In other words, Put in Bay is going back simply of its own accord, and not due to the service?

Mr. JOHANNSEN. No, sir.

Mr. ROSENBLOOM. Then how do you account for the loss in population of 100 in Put in Bay in the last year or so?

Mr. JOHANNSEN. For this reason that the families that live there have to put up with this kind of service since the Lakeside was discontinued on the route. They do not want to live there in the winter time. It is not pleasant. It is simply because they are attached to the island that they live there, but in case of hospital wants, etc., or severe sickness, they ought to have a good doctor there, and all that; and it is not a pleasant prospect for a man with a family to be tied up there under those conditions, and that is the reason they have gone away.

Mr. ROSENBLOOM. They have moved in the last year?

Mr. JOHANNSEN. They have moved away in the last three or four year.

Mr. ROSENBLOOM. In the last three or four years?

Mr. JOHANNSEN. Those are the facts, and if it continues like that—for instance, a year ago we had an epidemic of flu and different things, and I do not think any of you gentlemen here would think of living on an island like that without having proper facilities of getting away.

Mr. HARDY. Would you be willing to let the law take hands off and say you would just leave it to the owners as to what kind of safety devices they would have, and they might have nothing?

Mr. JOHANNSEN. We are living there, and you might stretch a point and say to trust it to the boat owners, because they would pro-

tect their passengers and their property, which they must protect, and leave it up to them. That may not be a good thing for the lakes.

Mr. BRIGGS. I think Mr. Johannsen is as much concerned about the safety to life and limb as anybody else, as indicated by his reference a while ago, when he referred to a boat that was allowed to take as many passengers as they wanted to without any protection for life in emergency or anything of that kind.

Mr. HARDY. So, as I understand, you think the law ought to make some requirements?

Mr. JOHANNSEN. Oh, no doubt.

Mr. HARDY. Do you think two watches too many for a boat on a 15-hour trip?

Mr. JOHANNSEN. I do not presume they ought to work more than eight hours apiece, although I work a good deal longer than that.

Mr. HARDY. Two watches for 12 hours?

Mr. JOHANNSEN. Two watches for 12 hours. I presume, for a fireman, 12 hours is too long, although I do not know anything about operating boats.

Mr. GAHN. You do not have any runs that long?

Mr. JOHANNSEN. No, sir; none of our boats.

Mr. BRIGGS. Is there a round-trip rate between Put in Bay and Detroit as well as a one-way rate, or is it a one-way fare?

Mr. JOHANNSEN. No; it is a round-trip fare. Mr. Dustin can explain that.

Mr. DUSTIN. Maybe you do not understand the nature of our business. It is volume of business we figure on, for a one day's outing. If we get our rate too high we are not going to get the business, because at Electric Park we have a beautiful city park, where they can go for 15 cents for the round trip. And we are competing and giving an attraction to those people, and giving them a cheap rate for a day's outing. It is volume of business we figure on. The local business in the spring of the year, that we used to give, Mr. Johannsen, and so forth, with the freight, we figured we were breaking even and, maybe along toward the middle of May we would commence to make a little money. But the fare—it seems cheap, and it is. Detroit is noted for being the cheapest place in the world for a boat ride, and it has been this business upon which these beautiful boats have been built in Detroit to carry these people. If we get the rate too high, the business is going to go away from us.

Mr. BRIGGS. Is the rate you named a little while ago, of 90 cents, a round-trip or a one-way rate?

Mr. DUSTIN. That is a one-way rate—for a man coming one way—but we have excursion days when we have excursion rates.

Mr. BRIGGS. How often do you have those during the summer time?

Mr. DUSTIN. We start out in June and the business is over by Labor Day.

Mr. BRIGGS. For every one of those days do you have round-trip rates?

Mr. DUSTIN. We get more for carrying them on Sundays than we do on week days.

Mr. BRIGGS. What is the round-trip rate?

Mr. DUSTIN. \$1.25 on Sundays and, on week days, 90 cents.

Mr. BRIGGS. That is just a one-way rate, then?

Mr. DUSTIN. That is either way. We quote a rate of 90 cents, and they are allowed to carry a lunch basket and return.

Mr. BRIGGS. In other words, 90 cents will take them one way or it will take them for the round trip?

Mr. DUSTIN. It will take them one way that day or the round trip that day.

Mr. BRIGGS. Either one or the other?

Mr. DUSTIN. Yes; it is a cheap rate on which the business is built.

Mr. ROSENBLUM. He can stay right on the boat if he wants to and come right back?

Mr. DUSTIN. Yes.

Mr. JOHANNSEN. I do not know that I have anything else to say only to appeal to you to help us save our homes there and to live in comfort. This resort has been built up by the boat service and the work of two generations.

Mr. BRIGGS. Of course what you are after is service?

Mr. JOHANNSEN. Yes, sir. We carry all of our eggs in one basket, as they say, and we would like to live there. And I might say that we have not any rich people and have not any poor people there, either. Never in the history of our islands has anyone ever gone to the poorhouse or to the penitentiary. [Laughter.]

Mr. SCOTT. But if this keeps up, you will have to go to the poorhouse?

Mr. JOHANNSEN. What I mean to say is it is an ideal American community—I wish there were more such—and there is not the congestion there is in the cities. And I know it is not the intention of you Congressmen, and not the intention of anyone, to drive away such a service.

(The committee thereupon took a recess until 2 o'clock p. m.)

AFTER RECESS.

The committee reassembled at 2 o'clock p. m., pursuant to the taking of recess.

Mr. MACLEAN. Mr. Chairman and members of the Committee, we will now hear from Mr. Clifford Gildersleeve, representing the Cleveland Chamber of Commerce of Cleveland, Ohio.

STATEMENT OF MR. CLIFFORD GILDERSLEEVE, INDUSTRIAL COMMISSIONER, THE CLEVELAND CHAMBER OF COMMERCE, CLEVELAND, OHIO.

Mr. GILDERSLEEVE. The Cleveland Chamber of Commerce has gone on record repeatedly as favoring the relaxation of certain provisions of the seamen's act, as affecting the Great Lakes.

Most recently the board of directors has urged that the act be so amended as to extend the season during which boats may be profitably operated, from May 15 to September 15, as now fixed, to from May 1 to October 15, as the amended bill provides.

Previously the Chamber of Commerce of Cleveland has recorded itself as believing that "no substantial need of the seamen's act is now shown with respect to the Great Lakes."

The chamber of commerce appreciates the desirability of safety in any place. In view of the fact, however, that in a five-year period preceding the passage of the La Follette Seaman's Act 82,415,716 persons were carried by steamboats on the Great Lakes, with a loss of only 30 lives from all causes, which includes a fair percentage of suicides, the chamber of commerce does not believe, in view of that fact, that the life boat and life raft provisions of the seaman's act, as it now reads, are applicable to or should be enforced upon traffic on the Great Lakes.

In the seaman's act no adequate allowance has been made for the difference in conditions upon the ocean and upon the lakes. Upon the Great Lakes where vessels are constantly touching at ports and are out of sight of land but a few hours at a time, the restrictions of the law are unnecessarily stringent and add a burden that is unfair to lake commerce.

The Chamber of Commerce of Cleveland is of the opinion that the seaman's act should be even further amended to differentiate properly between foreign trade and coastwise trade upon the Great Lakes.

That is all I have to say.

This bill was received by us between directors' meetings, and has not had specific action. The directors have previously taken action on the provisions of the bill, as I have indicated.

Mr. BRIGGS. You mean no action has been taken on this special bill introduced?

Mr. GILDERSLEEVE. On this precise bill; no, sir.

Mr. BRIGGS. Your reference is to the bill, as introduced at the last session of Congress?

Mr. GILDERSLEEVE. One bill at the last session of Congress provided for the inspection of boats. We have recorded ourselves as being favorable to that.

Mr. BRIGGS. That is the one you refer to?

Mr. GILDERSLEEVE. As one of the things we have done. Over a period of years since 1913 the Chamber of Commerce of Cleveland has been interested in this subject and has recorded itself with your committee and with the Committee on Commerce of the Senate as being for or against certain provisions, as I have indicated in that statement.

Mr. MACLEAN. Mr. Chairman, we have one or two more witnesses in regard to the agricultural interests that are affected by the fact that we are short of ships. We would like you to hear now from Mr. Frank W. Fletcher, representing the Alpena Chamber of Commerce.

Mr. HARDY. Before Mr. Fletcher testifies I would like to ask this gentleman if he thinks a vessel running 15 hours ought not to have two watches?

Mr. GILDERSLEEVE. You understand that anything that I say in answer to that kind of a question is an expression of personal opinion.

Mr. HARDY. That is all.

Mr. GILDERSLEEVE. I do think that a ship operating a 15-hour run should have two watches.

Mr. HARDY. You know this bill provides for the amendment of section 2 so that it will read that "where the continuous run is 16

hours or more they are required to have two watches," but it does not seem to make any provision for two watches. I have not myself studied the bill through, but, in your judgment, there ought to be two watches if the run is much shorter than 16 hours?

Mr. GILDERSLEEVE. Yes.

STATEMENT OF MR. FRANK W. FLETCHER, REPRESENTING THE ALPENA CHAMBER OF COMMERCE AND GENERAL SHIPPING INTERESTS OF ALPENA COUNTY, ALPENA, MICH.

Mr. MACLEAN. What is the population of your county?

Mr. FLETCHER. Alpena County has about 20,000 people, of whom 13,000 live in Alpena. The rest are farmers. Until about 1900 we were a lumbering community. Since then we have become an agricultural community, with manufacturing in the city. We also are the biggest commercial shipping point on Lake Huron. We ship a thousand tons of fresh fish out of there every year. Those fresh fish have to be brought into market quickly, and by rail we can not do it. A boat goes out at, say, 3 o'clock in the morning and returns at 3 or 4 o'clock in the afternoon, and up until 6 in the fall. The express companies require a billing before 3 o'clock in the afternoon, and if those are not billed then they have got to lay over that night. With the boat we can make 4 to 6 trips a week, and especially with the Saturday night boat—it would leave at midnight—and those fish would be in Chicago the next morning, or by Monday morning they are in the Ohio port.

In regard to our agricultural interests, we are becoming a fruit-raising community, and are raising what are called roots, all kinds of underearth products, such as potatoes, etc. Last year, without boats, we lost thousands of bushels of potatoes by putting them into cars and with no guarantee to the shipper. The shipper had to prepare his own car and take his own chances. Those were put in and destroyed. Up until 1885 we had only boat service. Since 1885 we have had some railroad service, but a great deal of our material can be handled better under all conditions by water. We ask it both for the development of our business community, our farming community, and our personal travel.

It is also eliminating a very large percentage of our tourist crowd. The whole of northern Michigan is backed by small lakes which to-day are utilized more and more for tourist work, and the cutting off of these boats has taken that off, and we are left for the first time in five years without water transportation.

Mr. DAVIS. When did that transportation cease?

Mr. FLETCHER. That transportation ceased on the 15th of last September.

Mr. DAVIS. And has not been resumed this spring?

Mr. FLETCHER. And has not been resumed this spring.

Mr. DAVIS. What is the customary time when it would be resumed under normal conditions?

Mr. FLETCHER. Prior to the seaman law the customary time was at the opening of navigation, or the breaking of the ice. I have gone five miles out on Thunder Bay to meet the first boat, gone out on the ice and met her part way out to get my supplies in. But the

opening of navigation would be during the month of April sometime and sometimes in March. The passenger boats of later years would begin running, before the seaman act, about April 15 and operate up until Thanksgiving time.

Mr. DAVIS. When was the lake navigable prior to the seaman's act?

Mr. FLETCHER. The lake was navigable prior to the seaman's act by act of God sometimes as early as the 1st of March, or whenever the ice was out of the river, the Sault River, St. Mackinaw, and the ——— River, Detroit.

Mr. DAVIS. Well, has navigation begun that soon at any period since the seaman's act went into effect?

Mr. FLETCHER. The water has been open.

Mr. DAVIS. Well, have the ships operated at any time?

Mr. FLETCHER. Large freighters start generally on the question of insurance. The boats we are talking about, the small boats——

Mr. DAVIS. That is what I am talking about.

Mr. FLETCHER. The passenger boats are restricted under this act in their carrying capacity of passengers. The small freighter will operate at any time it goes out, if it can operate at all under the law. Last year the passenger boats on Lake Huron started on the 15th of June, and ceased on the 15th of September—the boats serving our community.

Mr. DAVIS. During what period did they operate in 1919?

Mr. FLETCHER. In 1919 I think they operated from May 19 to October 1.

Mr. DAVIS. When does your summer resort season ordinarily open? When would the summer resort people come anyway if they were permitted to, so far as transportation is concerned?

Mr. FLETCHER. The summer resort people are reached by the 90-day limit in summer, but the people who have to live in there and do business in there and ship their products out of there want this boat service as long as navigation will allow it.

Under the existing law the boats could only run when they had the excess summer traffic which allowed the maximum amount of passengers to be carried.

Mr. GAHN. On the Great Lakes is the danger the only obstacle in the way of opening navigation in the spring?

Mr. FLETCHER. Yes.

Mr. GAHN. Are there any storms of any consequence?

Mr. FLETCHER. You are very apt to have better weather in March sometimes than you are in June. I have seen beautiful Decembers and extremely bad Septembers.

Mr. GAHN. How about October?

Mr. FLETCHER. October is generally our Indian summer month, one of the nicest months we have.

Mr. DAVIS. From your understading of the situation, would Mr. Scott's bill that we favorably reported at the last session and passed through the House meet the situation?

Mr. FLETCHER. I am not familiar with the bill reported last year. I am familiar with this one.

And I want to answer that gentleman's question before I am through.

Mr. DAVIS. I beg your pardon. I thought you were through.

Mr. GAHN. I am through. I think he is referring to Judge Hardy.

Mr. FLETCHER. Judge Hardy, in regard to that 16-hour business, you want to read four or five lines more, and you will find that there is a two-watch system provided in the bill for an 8-hour run.

Mr. HARDY. I just told this gentleman that I had read down lower, and there seemed to be two conflicting provisions.

I would like to know the difference between the first provision there and the second proviso.

Mr. FLETCHER. The first provision provides for three watches in the engine room, and the second proviso provides for two watches in the engine room.

Mr. HARDY. Well it looks like the first provision provides for the sailors, oilers, and water tenders to be divided into at least two watches where the voyage is 16 hours or more.

Mr. FLETCHER. Yes.

Mr. HARDY. And the second provides that the sailors, oilers, water tenders, and firemen shall be divided into at least two watches.

Mr. FLETCHER. For an 8-hour run.

Mr. HARDY. For an 8-hour run?

Mr. FLETCHER. Yes, and above a 16-hour run you have three watches in the fireroom.

Mr. GAHN. You are not required to have more than two outside of the engine room?

Mr. FLETCHER. No.

Mr. HARDY. For an 8-hour run you have two watches for the firemen, and for a 16-hour run you have three watches for the firemen?

Mr. FLETCHER. Yes.

Mr. MACLEAN. Mr. Chairman, we have one witness from the western part of Michigan. I would like you to hear now from Mr. R. W. Piepkorn, a commercial fisher of Alpena. I would like to know from Mr. Piepkorn what effect the lack of ships has upon that business.

STATEMENT OF MR. R. W. PIEPKORN, ALPENA, MICH.

Mr. PIEPKORN. The effect of the lack of ships on our business, as Mr. Fletcher has stated, is this: Our boats go out about 5 o'clock in the morning and return at from 3 to 6 in the afternoon. We have one train in the afternoon which leaves for the south at 5.15. The express companies do not take any billings after 3 o'clock, consequently we have to hold our fish 24 hours in Alpena, whereas if we ship by boat we have boats at 6 o'clock, I think, three nights in the week, and on Saturday night in particular a boat at midnight, which takes our fish into Detroit, Toledo, and Cleveland, or Buffalo for Monday morning. If we ship them by rail, we hold them there until Monday night. Fish, you know, are a perishable stuff, and they are not in the condition they would be if shipped by boat, and I think that is going to work a hardship on the commercial fishermen and everything if they do not get boats this year.

Mr. SCOTT. In order that the committee may judge of the importance of that particular undertaking, I think you might state how many fish tugs are operating out of Alpena now.

Mr. PIEPKORN. At the present time there are seven steam tugs, and numerous gasoline boats, employing about from 70 to 80 men, producing a thousand tons of fish a season.

Mr. ROSENBLOOM. So far the boat service has been adequate, has it not? I gather from what you said that you anticipate that it will get bad.

Mr. PIEPKORN. Well, we know it will.

Mr. ROSENBLOOM. So far it has not come yet?

Mr. PIEPKORN. No; it has not come yet. We have had boat service during the hot months up to this year. In the hot weather we were up against it.

Mr. ROSENBLOOM. All during these past five years, when the seamen's act was in operation, there has been a plenty of boat service, has there not?

Mr. PIEPKORN. No; there has not. We had boat service this last year from the middle of June until the middle of September.

Mr. ROSENBLOOM. And prior to that?

Mr. PIEPKORN. It has been getting shorter every year.

Mr. ROSENBLOOM. How far back?

Mr. PIEPKORN. From 1915.

Mr. BRIGGS. Do you know, of your own knowledge, why that is so?

Mr. PIEPKORN. It is due to the seamen's act.

Mr. BRIGGS. Is that what somebody told you, or do you know of your own knowledge?

Mr. PIEPKORN. I know it, because that has added to the burdens of the vessel owner; and I do not believe that they can run a vessel as profitably——

Mr. BRIGGS. I mean, do you know what is causing the unprofitable character of their operation, the increased cost of a general character, and by that I mean the cost of fuel, the cost of accessories, the cost of machinery, the cost of crews, and so on?

Mr. PIEPKORN. The biggest drawback in the proposed seamen's act is the cutting down of the passenger capacity after the 15th day of September.

Mr. BRIGGS. Do you think that is the chief cause?

Mr. PIEPKORN. That is the chief cause. We have had people on our dock, on the Alpena D. & C. dock, where they would take one boat, and there were people with 100 tickets that had to go back to the hotel and wait until the next day.

Mr. HARDY. Was not that difficulty substantially met by the amendment to the act that was agreed to at the last session?

Mr. PIEPKORN. Not long enough.

Mr. BRIGGS. What length of time do you contend for?

Mr. PIEPKORN. We should have it from the 15th of April until the close of navigation. I think that is during the time the insurance goes into effect on boats, prior to the 1st of September.

Mr. BRIGGS. You mean by that that from the 1st of September to the middle of November is when traffic ends on the Lakes?

Mr. FLETCHER. It used to end along about the 1st of December.

Mr. BRIGGS. Did you have a large passenger traffic around the month of November of this year?

Mr. FLETCHER. We have a big passenger traffic up to the frost. Our country up there is a good country for the cure of hay fever, and they come and stay up there at our inland lakes until the frost,

and it is a detriment to business. I myself would not take a chance coming down on a boat after September 15, because I would not know whether I could get down.

Mr. BRIGGS. What are the climatic conditions on the Lakes between the middle of September and the end of the season?

Mr. PIEPKORN. I do not see any difference between them and what they are in the summer. We are never out of sight of land. With the big deep sea boats crossing Saginaw Bay, they will be out of sight of land in half an hour. They are always in the path of vessels. I do not believe they are out of sight of a vessel 10 minutes any time. Those boats have been operating up there for 40 years, and have never lost any life, except by suicide, and you can not stop that.

Mr. BRIGGS. The reason that these vessels are not allowed to carry passengers later than the middle of September is because of a lack of prescribed equipment, is not that it?

Mr. PIEPKORN. I do not know. They have got equipment enough for the summer. Is not a man's life worth as much in the summer as it is in the fall or the early spring?

Mr. BRIGGS. I presume, under the theory of the act, it is much more dangerous in certain seasons of the year. For instance, if a man gets in the water in the middle of April when the ice is in the water, there may be more danger than at some other time.

Mr. PIEPKORN. What do you call proper equipment for a vessel?

Mr. BRIGGS. I think the act may designate that.

Mr. PIEPKORN. A lifeboat, a life raft, or——

Mr. BRIGGS. I presume that would mean sufficient boats.

Mr. PIEPKORN. I was a marine engineer on the lake at one time, and we ran down the schooner *Ellen Williams*. She had all of her sailors, every one of them, but in the excitement they dropped one end of her boat, and it was no good. A greenhorn farmer can do that, whereas if he had a life raft or a life preserver he would save his life. He could not do it with that boat. I would take my chances on the life raft.

Mr. BRIGGS. A good deal of that is open to dispute, because most people think a lifeboat is more advantageous.

Mr. PIEPKORN. I will give you another case. The steamer *Cyprus*, a brand new boat, on her fifth trip came down Lake Superior with a load of ore, with 100 per cent capacity. The only man that was saved on her came ashore on a life raft.

Mr. BRIGGS. How much loss of life resulted from that?

Mr. PIEPKORN. It was around 20 or 25.

Mr. BRIGGS. Lost their lives?

Mr. PIEPKORN. Yes.

Mr. BRIGGS. And did not get to shore?

Mr. PIEPKORN. Did not get to shore.

Mr. SCOTT. That was a freight boat?

Mr. PIEPKORN. A freight boat, with 100 per cent life-saving equipment.

We also had the case of the *Colegate* in the fall of 1915, that was foundered, and the only man saved came ashore on a life raft.

We had another boat foundered in Lake Superior, and the only man that came ashore was the captain, on the pilot house, on a raft. I will not take my chances on any boat.

Furhermore, a boat is built to stand an ordinary storm. The only time there is any danger is in foggy weather, but if the rules of the road are lived up to she will not get in trouble.

Mr. HARDY. What is the stormy season on the lakes, if they have any?

Mr. PIEPKORN. I do not know. There is liable to be a storm in July, October, or any month. Of course, in July, August and September we look for pretty fair weather.

Mr. HARDY. One part of the year is a little worse than the other?

Mr. PIEPKORN. Oh, sure.

Mr. HARDY. Now, which is the worst part of the year?

Mr. PIEPKORN. That I will not say, whether it is the spring or fall, but so far we have had two bad storms on these lakes. One in the fall of 1915 and one in 1913.

Mr. HARDY. What I want to get at is whether there is a recognized season of fair weather, and a recognized season of dangerous weather.

Mr. PIEPKORN. The only time an insurance company makes any difference in its rates is after the first day of December.

Mr. HARDY. Until when?

Mr. PIEPKORN. Then they raise the rate on some hauls up to the fifth, and then on another they raise it up to the tenth. After that, insurance you can not get.

Mr. HARDY. Until when?

Mr. PIEPKORN. Until the 10th day of December.

Mr. HARDY. When does it open up again?

Mr. PIEPKORN. The 15th of April, I believe; I am not sure.

Mr. HARDY. So the insurance companies fix the dangerous season from the first of December until the 15th of April?

Mr. PIEPKORN. Yes.

Mr. GAHN. They do not discriminate against the month of October?

Mr. PIEPKORN. Not October or November.

Mr. HARDY. You say there have been quite a number of accidents, then, to your knowledge?

Mr. PIEPKORN. With the 100 per cent lifeboat equipment; yes.

Mr. MACLEAN. Mr. Chairman and members of the committee, as a member of the Detroit Board of Commerce, I have been asked by the shipping interests of that board to say that they favor the bill as introduced by Congressman Scott. We could have had a large number of men here representing those interests, but we did not believe it was necessary. We have with us a gentleman who represents the stove interests of the city of Detroit, and I believe that you gentlemen know that Detroit leads the world in the manufacture of stoves. We will now call on Mr. T. F. Brown, representing the stove interests of Detroit.

Mr. SCOTT. Before Mr. Brown goes on I would like to ask Mr. Fletcher a question. During your testimony I inadvertently was called out of the room. In your testimony did you tell the committee the approximate number of ships that are in sight at all times during the season of navigation?

Mr. FLETCHER. I think not.

Mr. SCOTT. I think that would be well, because many of these gentlemen are here from the inland.

Mr. FLETCHER. I went on Lake Huron first during the Civil War. The only way to get away from the little town of Alpena in those days was to go to the nearest lighthouse and stay there until a boat passed down the lake. The nearest lighthouse was Thunder Bay Island, and when a boat came down the bay you put out in a boat and got aboard. I have been there with my family for three days, waiting for a boat to pass down Lake Huron during the Civil War. I have seen as many as 40 boats in sight of Thunder Bay Island, within a comparatively few years, at one time, and there is never a time, day or night, when either the boat or its lights can not be seen from that point, together with every other point from Fort Huron along the route.

There is one more thing I want to say in answer to the question about the cause of trouble to the boats. We have now three good reasons why boats are hard to run, because of the cost of coal the cost of labor, and the excessive requirements of the La Follette bill. The first two things are commercial matters, which we have got to meet, can meet and are meeting. The third is unnecessary, when we are required to pay extra labor and carry men who do no good. That simply puts an extra cost on all freight, and all shippers have to meet it. We will meet the questions of labor, fuel, and the necessary expenses, but from unnecessary expenses which Congress has put on us under this act we ask some relief.

Mr. HARDY. My suggestion to you is that I think it would be well to direct all your testimony to the showing of what unnecessary labor is required by the present law. We all know that you can not run at a loss, and are not going to run as business men.

Mr. FLETCHER. I say I think the difference between this present bill, as we expressed it, and the act as it stands to-day, is unnecessary.

Mr. HARDY. That is a general statement, but if you show the requirements here in the present law, we might have a little——

Mr. FLETCHER. We have shown it by the drafting of the present bill.

STATEMENT OF MR. T. F. BROWN, DETROIT, MICH.

Mr. BROWN. Incidentally I represent stove interests of Detroit, the Detroit Stove Works, the Michigan Stove and the Art Stove. Incidentally, I represent myself to this extent, that I originally lived in Nebraska, and moved to Michigan because God had so pleased to give us those wonderful rivers, and when I had a little money to spend for a little amusement to entertain my family, there were a lot of boats going from the city of Detroit that I might use, but I now find that there are a lot of those boats that we have not. And, from the looks of things, we are going to have less. That is my personal view.

Now, from the stove works view of it, there has been considerable said here about rates. Rates do not enter into it. Whether high, low, good, bad, or indifferent, we absorb all rates, and on that same feature, my understanding is that owing to the fact that there is no maintenance for rails for such things as that, as there is on railroads, you might say that the elements have given the boat lines a

natural advantage which should not be taken away from them, and their rates boosted up to the same rate as is charged by a railroad, and thereby lose the one advantage they have gained on account of the fact that they are traveling on the water. They should be entitled to that natural advantage there.

There is another feature in regard to stoves. All the coal and wood stoves are moved in the late part of the year, and you know that if cold weather comes on and a man has no stove he wants it, and he wants it immediately, and the service of the boat lines is about 400 per cent better than it is by rail line to any point, regardless of where it is, even to as near a point as Monroe, Mich., or to any other place. Any place where there is a boat line going, the service is better.

The stove industry of Detroit was built up because we have a lot of boats there and they could give us overnight service to any point, except away up the lake around to Chicago. The major portion of our business is in Ohio, New York, and those States, and that is where we have to sell our stoves. We find out that, after getting this business all worked up, it looks as though we are going to lose that business. The price of our stoves has absorbed all this freight, all the rates, regardless of whether they are high or low. There is only one element which enters into it, and that is service. If we are going to sell stoves and compete with other people, we have to make stoves as good as they make, or better, and we have to make a price that will sell that product, and then we have to deliver it. I might cite a case where we shipped a stove this spring to Indiana Harbor, and it took a month and two days to get from Detroit, Mich., to Indiana Harbor, Mich.

Mr. HARDY. On a boat?

Mr. BROWN. By rail. If it had been on a boat, even if that stove had taken a month and two days to be shipped by boat, we would have been able to determine that it was not going to get there within a reasonable time, and we would not have waited all that time to ship the man another stove. If we ship a stove by the D. & C., for instance, to-day, and take it down to the dock and deliver it to them, we would get a manifest for that stove, and to-night we could find out whether that stove was on that boat. If it is, it is absolutely certain that it is not going to be lost at sea, and that it will arrive at the port of destination the next morning. If it does not, we know it is time to ship another stove, so that we can retain his good feeling by giving him some service.

In this instance, where I shipped a stove to Indiana Harbor, I took the matter up with the railroad and tried to get information in regard to that stove, but the matter has been dragging along, and consequently we have a customer out there who is decidedly sore at us on account of the service we have given him. He can not understand why we can not find out about that stove. We do not want to ship him another stove because we figure the stove should be in there.

I have in my desk at the present time some orders for Put in Bay, but I can not ship those stoves, because I do not know how to route them. I hired myself out to this stove company because I told them that I was a traffic man. They have handed me an order for a stove to be delivered at Put in Bay, and I have not any more idea than a

jaybird as to how I am going to route it, because I have not any assurance of a boat line going over there. I have heard that there is some little boat that plies to Put in Bay, but I will have to route them around the lake and back again. I am like other people, I am working for a living, and if a man comes to me and says, "How are you going to route this thing to Put in Bay, and I have hired myself out as a traffic man, I ought to be able to tell him, and if I can not tell him he will think that there is something wrong.

Whether the seamen's act is the cause of this, gentlemen, I can not tell you, but I can tell you this, that we have not the boats, and, from the looks of things, we are going to have a lack of boats. The consensus of opinion is that this seamen's act is the cause of it.

Mr. HARDY. Right on that question, because I want to find out if the seamen's act is the cause of the condition—the condition is one that you have a right to complain of—

Mr. BROWN. That is all I am complaining of, the condition.

Mr. HARDY. What kind of boats do you ship your stoves on? You prefer to ship them by boat. What size boat?

Mr. BROWN. I am not particular as to size, but I understand they are side loaders or packet boats, such as the D. & C. have, or the White Star Line have.

Mr. SCOTT. Passenger and freight boats?

Mr. BROWN. They are really passenger and freight boats, but what the marine term for those boats is I do not know.

Mr. HARDY. Capt. Crosby spoke of a boat which he named, and gave the tonnage as 609 tons. Before the seamen's act he said he used 13 men on it, and after the seamen's act he used 17 men on it. Now, as I understand you do not care about the freight; you will absorb that anyhow?

Mr. BROWN. We will have to.

Mr. HARDY. That boat of 609 tons uses four more men?

Mr. BROWN. Yes.

Mr. HARDY. How much additional would that cost you in freight? That would be all the seamen's act would add to it; would it not?

Mr. BROWN. No; that would not be all the seamen's act would add to it—theoretically, yes; but I will try to answer that in a minute. But let me answer one more thing. We do not ship stoves on the Mackinaw division of the D. & C. any more, because we have found out they are not dependable; we do not know whether they are going to run or are not going to run.

Mr. HARDY. That is not because of the seamen's act?

Mr. BROWN. That is what I say. I do not know what the cause is. Now, let me come back to the other question. I do not know what the percentage is. I fear they would increase the freight rate.

Mr. HARDY. These four more men?

Mr. BROWN. Of course, I am not in a position to say what they pay those men, but it would increase it, I imagine, just whatever per cent those men were paid.

Mr. HARDY. That would be less than 25 per cent, would it not, because I presume they would be the lower paid men, not the captain and other officers?

Mr. BROWN. Let us assume there an increase of 25 per cent.

Mr. HARDY. Twenty per cent.

Mr. BROWN. Twenty per cent.

Mr. HARDY. Now, then, if you pay a rate of so much per 100 pounds on your stove, you could add, you say, the 20 per cent——

Mr. BROWN. No; we can not add that 20 per cent; we can not add a cent to our stove. Our stoves, you understand, are sold in direct competition to stoves that may be made at that particular point. I do not know that there is any stove industry at Put in Bay, for instance, which is the place we refer to now, but let us transfer this argument to Cleveland, we will say. There are stoves made in Cleveland, and we have to make the price of our stove compete with the stoves in Cleveland, regardless of the freight rate.

Mr. HARDY. Are not the rates by rail even more than your rates by water would be if you added the 20 per cent?

Mr. BROWN. I will answer that by asking you, are not they entitled to be less?

Mr. HARDY. I am supposing you are trying to compete with a competitor in Cleveland, and you live at Detroit, where you have got water transportation?

Mr. BROWN. Yes.

Mr. HARDY. And I ask you if your transportation is not less, even if you add 20 per cent, than the transportation by rail?

Mr. BROWN. I would imagine it is not.

Mr. HARDY. You think that 20 per cent added to the water freight would be more than equal the rail rate?

Mr. BROWN. I am not absolutely certain, but there would be a very little difference in that particular.

Mr. HARDY. I wish you would figure that out. I think you will find you are mistaken.

Mr. BROWN. We picked out Cleveland. I will carry you as far as Mackinaw City, Duluth, and these points, but on short hauls like Toledo and Cleveland, I do not believe there is a difference of 20 per cent in the rail rate.

Mr. HARDY. I am trying to get at what is the trouble with your boats. You said just now you could absorb the freight rate and did not care what the rates were.

Mr. ROSENBLOOM. As far as I have heard, there have been only two boats quit.

Mr. HARDY. I can not keep up with the details. I want to see whether these boats are being taken off on account of the burdens imposed by the seaman's act, or what it is. As I understand you, I believe you said the freight did not make so much difference—that you wanted the transportation, and that you would pay the freight and absorb it, and that as to any place that is in competition with you by rail rate you have got the advantage, I think, but you are uncertain about it even if you added 20 per cent to your present rates. Now, just take the boat Capt. Crosby spoke of. If he adds all four men, he would add 20 per cent to the cost of operation, but I call your attention to the fact that he could not possibly do it.

Mr. BROWN. I do not believe he could, either.

Mr. HARDY. Because the fuel would have been the same, and it would only be that much increase in labor.

Mr. BROWN. Yes.

Mr. HARDY. In wages. So the actual percentage of increase in the cost of running that boat on account of these four men would probably not be 10 per cent, would it?

Mr. BROWN. Probably. I will say it is not even that much.

Mr. HARDY. Then, if your stoves paid a burden of 20 per cent additional, you would carry it, that seamen's act burden?

Mr. BROWN. No; I would not. You understand, I do not say you should take the entire law off of these boats. I believe we should have a reasonable law, and understand me that I have not at any time said that the seamen's law is absolutely the whole cause, but I do say that what we are getting is the effect which the shipowners say is caused by the seamen's act.

Mr. HARDY. That is just the point I am coming to. I have no interest in shipping. I live in the middle country that has no shipping, and I have no interest in it at all, but I want the public to be well served.

Mr. BROWN. That is us.

Mr. HARDY. And I want the seamen to be protected against onerous and inhumane burdens. I want as high wages as are necessary to give the men an opportunity to live, and live decent lives.

Mr. BROWN. We do too.

Mr. HARDY. What I want is a fair adjustment of this matter, and if they are taking off the ships and calling it the seamen's act, I want to find it out. But these boats that are leaving your quarters must be going somewhere, must be doing something.

Mr. BROWN. I do not understand they are; they are tied up.

Mr. HARDY. Right now everything is tied up.

Mr. BROWN. That is true, but, of course, we can not take this present moment as to what we are going to do.

But here is another feature along the same line that we have been talking about——

Mr. HARDY. While I am on that, let me call your attention to what is suggested to me, that the total wage cost in these ship freight charges is about from 7 to 9 per cent, so that the addition——

Mr. BROWN. We said less than 10 per cent.

Mr. HARDY. Yes, we considered that less than 10 per cent of the whole.

Mr. BROWN. So we really had gotten there before you got your suggestion.

But another thought that struck me was this. I do not know how everybody takes it, but I believe that I would rather be employed continuously at a little less rate of pay than I would spasmodically at a higher rate of pay. There has been a whole lot said about this two-watch system. I say this, that if a man is sufficiently interested in his position, if he likes his position, and it is evident that a man does if he continues to work at it, he does not care whether he is working 8 hours, 6 hours, or 16 hours. That is my personal view. I work a great many days; in fact, when the case warrants it, I work 24 hours. I could not stand 24 hours, day in and day out, because my health would not stand it, but I would say this, that I will at any time attempt to give my employer all I have in me, and if 8 hours are all he wants, well and good, but I do ask from the employer that he keep me on steady. If he finds it necessary to lay up some of his boats so that he can only employ me spasmodically, I think I have lost something, even if he does keep me around late hours.

Mr. HARDY. In order that it may go in the record, and you may make such suggestion as you see proper, it has been suggested to me

that the total wage cost in freight is about 7 per cent, and transportation about 12 per cent; therefore, if you increase the wages 25 per cent, you would not increase it quite 2 per cent of the total freight cost; so it seems to me that the claim, that by reason of requiring more men in the operation of these vessels they are being taken out of the service, is a little exaggerated claim. I want to know if your freight would not bear an increase of from 2 to 5 per cent, your water-freight rate, provided you could get the service?

Mr. BROWN. I will answer that in this way. The freight would not bear it, but we would have to take it out of our own profits. I do not know if it is a question whether or not we are making a sufficient profit. Perhaps we are on some of our products, perhaps not. So it is not a case whether they will bear it or can not bear it. They are not going to bear it.

Mr. HARDY. When they added 2 per cent to the water-freight rates, would you not still be below any railroad rate?

Mr. BROWN. But our prices are not made on railroad rates, nor water rates, either one. Our prices are made to meet competition. Now, it does not necessarily signify that that competition has moved at all by rail or water.

Mr. HARDY. If they move it by water they have the same advantage that you have.

Mr. BROWN. We have the same advantage; so it looks like a fixed proposition either way, as far as that is concerned.

Mr. HARDY. If they move by rail you have got an advantage.

Mr. BROWN. Provided it moves the same distance that we move ours, to meet the same competition.

Mr. HARDY. When you move your freight on water 50 or 60 miles it does not cost much, does it? It is the loading and unloading that is the main cost?

Mr. BROWN. Of course, I do not know what enters into the makeup of a water-freight rate.

Mr. HARDY. I will tell you this much about it, which you all know, that the water charges for freight from New York across the ocean are not half equal to what they are for a distance of 100 miles to the interior.

Mr. BROWN. Talking about rates, you must not lose sight of this item either, that, as I understand it, a passenger rate and water rate applies, we will say, from Third and Jefferson Streets, in Detroit, Mich., at the D. & C. Dock, to your water front in Cleveland, you understand, but a freight rate on the railroad applies from the door of our warehouse to the door of the warehouse of the man in Cleveland, provided he is situated like we are, on a team track, or if he has a private spur.

Mr. HARDY. That is true, but that is because of the fact that the facilities for loading and unloading at many of the water wharves and landing places have been practically discontinued, have they not? They have a little place down here in Georgetown where they used to haul freight on that canal, but now it would cost more to get it from the landing place than it did to haul it there, because they have no facilities.

Mr. BROWN. I do not know what the cause is, but the effect is there, nevertheless. If we take a car load of stoves, that represents,

roughly, 10 truck loads of stoves, and the 10 trucks going to the D. & C. dock in our city. Those trucks will make about two trips a day. Each truck will load a carload of stoves on the D. & C. boat. A truck in Detroit is worth about \$25 a day. That is what they charge for a truck and I assume they charge approximately the same in Cleveland for a truck. That is \$50 added to the water rate.

Mr. HARDY. But the whole thing means terminal facilities for your water routes. You do not need terminal facilities for your rail routes.

Mr. BROWN. So, as a matter of fact, what I am getting at is this, that if you do get a cheaper rate by water, you are really paying a higher rate from the point of shipment to the point of final destination?

Mr. HARDY. Unless you get some better terminal facilities.

Mr. BROWN. Unless they will take it from your warehouse and deliver it in the other man's warehouse.

Mr. HARDY. But the seamen's act has nothing to do with the extra cost at the terminal?

Mr. BROWN. No, and the seamen's act has nothing to do with freight raising or lowering, but what I am getting at is its bearing, its effect. You can not raise water rates any more.

Mr. HARDY. Do you think, even with your terminal cost, that rail transportation is nearly as cheap as water transportation?

Mr. BROWN. I think it is about; in fact, I know from actual experience, and I can show you the figures on that.

Mr. HARDY. Well, if that is the case, the water transportation—

Mr. BROWN. Is as high as rail transportation; yes, sir.

Mr. HARDY. If that is the case, water transportation is going, without any amendment to this act?

Mr. BROWN. I do not agree with you, because one feature you are losing sight of, and that is that water transportation does give us service—absolutely they give us service.

Mr. HARDY. That is the advantage, so that you would rather pay a little bit more?

Mr. BROWN. It is not a case whether we would rather or not; we must. If a man in Cleveland phones this afternoon and says "I want so many stoves to-morrow morning," and he knows there is a means whereby we can deliver those stoves to him to-morrow morning, and we do not deliver the stoves to-morrow morning, we will never get another telephone call from that man.

Mr. HARDY. I think you are absolutely correct, but you are reversing the argument that is always made here, that water transportation goes dead because the rail can give a more desirable service.

Mr. BROWN. I do know what our own experience is, from actual figures. I know that we pay more from our warehouse to the man's warehouse at the other port. You can see this when you are taking into consideration the trucking you have had to do at both ends of the line. The trucking costs real money.

Mr. HARDY. I know that where you have no terminal facilities you have got to pay for it.

Mr. BROWN. In Detroit they have no means of delivery to the various warehouses.

Mr. HARDY. Then you will never do much good to the water business without getting those facilities?

Mr. BROWN. But we do get one advantage—we get service, and that is the thing in Detroit that we must give, and especially during the last three years that has not been given. Right now you would be surprised to know the difference in the conditions under which you must sell goods nowadays. When a man takes an order nowadays, he puts on that order when it is to be delivered, and there are not any “ifs” or “ands” about it. That applies both to rail and water, but, nevertheless, we have the advantage of a lot of people on account of the water, and I want to be real frank and say to you that there are a lot of people in New York City that we are selling goods to because we can deliver the stuff there better than they can in Ohio, and there are some big stove companies in Ohio, too, but their stoves have to travel by rail, because they are located in Cincinnati, Columbus, and those interior cities.

Mr. SCOTT. Let me ask you a few questions, and see if we can not clear this thing up a little bit. How long have you been in Detroit?

Mr. BROWN. I came there in 1915.

Mr. SCOTT. Was the water service better when you came to Detroit than it is now?

Mr. BROWN. About 150 per cent, I expect.

Mr. SCOTT. So, regardless of what the cause may be, the service that you received in 1915, as compared with now, was 150 per cent less?

Mr. BROWN. It is 150 per cent less now.

Mr. SCOTT. That is the way I meant it. Now, your shipments of stoves constitute a very small percentage of the cargo on board any ship?

Mr. BROWN. I should say they do.

Mr. SCOTT. You are a traffic man. Is it not an actual fact that on the shipment of farm products, peaches and plums and grapes, the margin is very close?

Mr. BROWN. It is my understanding that it is.

Mr. SCOTT. And not only is the margin close, but the feature of prompt delivery is one of the great essentials, is it not?

Mr. BROWN. Service.

Mr. SCOTT. The ships that you use not only derive a portion of the revenue from freight, but they also derive a larger portion of their revenue from another important asset, which is eliminated in the question of Mr. Hardy, and that is the passenger service, is not that a fact?

Mr. BROWN. That is true.

Mr. SCOTT. Of course, when you send a shipment of stoves you do not send them a bunch of passengers down with the stoves, do you?

Mr. BROWN. No; we do not.

Mr. SCOTT. So, outside of the freight this boat is carrying, in order that you may get the service the boat has to also get that freight, and be able to carry a reasonable number of passengers on board to make up enough money to cover the operating expenses and give the owners of that ship a reasonable return on their investment?

Mr. BROWN. Yes, sir. Incidentally, along that same line, my understanding is that these same boats take, for instance, stoves and kindred commodities. Detroit is more or less a stove manufacturing town. We take them to all these places where this fruit is pro-

duced, and those other farm products, and they get a return load coming to Detroit, because Detroit absorbs all of that stuff that is grown in the country, and incidentally they absorb our products that are manufactured in the city, so it keeps the boat loaded in both directions.

As far as the life-raft matter is concerned, I heard a gentleman make a statement one time while I was on one of these boats that if you had sufficient lifeboats and life rafts on there to take care of all the people that were on the boat you could not get all the people that the boat was allowed to carry on it; there was not sufficient cubical capacity in the boat to handle that many lifeboats and life rafts. I do not know whether that is the fact or not, but I have heard that statement made on a boat.

Mr. SCOTT. You are also interested in another feature suggested by Mr. Gahn here, and that is the continuation of the service necessary which has been operating during the past few years since the adoption of the La Follette Act.

Mr. BROWN. Yes.

Mr. SCOTT. You have had shipments that you sent out before the 15th of May?

Mr. BROWN. I should say we have.

Mr. SCOTT. And after the 15th of September?

Mr. BROWN. That is another thing I was going to come to. From the middle of June to the middle of August the stove industry, you may say, is practically fair. Our biggest months are March, April, May, and June. That is when all our gas stoves are going out. Then we start in the latter part of August with the shipment of coal and wood stoves. The only thing that is moving in the summer time are the furnaces, which move 12 months in the year and are not seasonal at all. But the gas stoves do move early, and the coal and wood stoves do move late. In between those two times we have more service than we need, but when we want the service most is when they start taking it off, and when we lose the best part of it.

Here is another feature about Michigan. I do not know whether you want to put it in the record or not, but the northern part of Michigan is filled with thousands and thousands of deer and other game.

Mr. SCOTT. And fish?

Mr. BROWN. And fish; especially deer, though for the late season. The season on deer has been from November 10 to November 30, and it certainly is much more pleasant to me, and I believe the majority of people like to travel on a boat better than they do on a train. You can take the D. & C. boat from Detroit up there, and there are thousands of people that go up there, and that includes sailors, farmers, and everybody else. They all go up there deer hunting. If we take the boats off there, we have got to go on the train; that is all there is to it, and you are lucky if you get standing room on there in the late fall. I do not know what your Mackinaw division boats hold, but suppose they held 700 or 800 people. That would be a fine thing to have going up there, and there are a lot of us who have aspirations to go deer hunting.

Mr. HARDY. Are you in favor of taking off the life rafts and lifeboats on the vessels in the winter?

Mr. BROWN. No; I am not. This is exactly what I am in favor of. I imagine I am in favor of this bill because I believe this amendment was drafted by men who have by their association with boats the ability to draw up a reasonable act.

I have read the act, but, of course, I can not say that I have digested the whole works, but I do think it looks like a reasonable proposition. So many people are in favor of this amendment that I can not see why I should stand up alone and say that I am not in favor of it. I have told you men what little I do know about boats and their operation, and it looks to me like a very important proposition. I do not know whether it is a cure-all, but I do say it looks to me like it is a good thing.

Mr. HARDY. What I want to get at is whether the boats are leaving the service.

Mr. ROSENBLOOM. He has not suggested that any of them have left the service.

Mr. BROWN. I understand the Mackinaw boats have.

Mr. SCOTT. They took off four boats.

Mr. ROSENBLOOM. That may be, but not so far as this witness is concerned.

Mr. BROWN. I thought that was all understood.

Mr. ROSENBLOOM. Nothing is understood.

Mr. BROWN. I thought that was understood from the fact that I could not route that shipment to Put in Bay. You have got to go there by boat. I can not route it because I do not know there is any boat running there. So far as I know all the boats to Put in Bay have been taken off, and as far as I understand, the boat on the Mackinaw division of the D. & C. has been taken off. There is one other boat that I have just heard of recently, and that is the White Star Line boat. I understand it is not necessary to take them off, but they are going to curtail their boat service so that it will not give us service.

Mr. SCOTT. How about the service to Toledo? They did not run a boat to Toledo last year, did they?

Mr. ROSENBLOOM. I would like to suggest that if you have anyone here who can certify to the fact that boats have actually been taken off by reason of the hardships of this bill, that we would like to hear from him. All I have heard so far is that they would like to have this amendment because they think it would be helpful.

Mr. SCOTT. Mr. Fletcher and other gentlemen have testified that ships have been taken off every year; that they have been losing one ship a year.

Mr. ROSENBLOOM. I recall the names of three that have been taken off.

Mr. SCOTT. There have been four taken off of Put in Bay, and Put in Bay is a flyspeck alongside of the rest of them.

Mr. ROSENBLOOM. Let us hear from the rest of the pork barrel. I recall the names of four that have been taken off of Put in Bay. The *Tourist* was one.

Mr. SCOTT. The *Kirby* and the *Lakeside*. The *Lakeside* is an ice crusher.

Mr. ROSENBLOOM. Not a passenger boat at all?

Mr. SCOTT. A passenger boat, certainly, the biggest ship we have up there.

Mr. ROSENBLOOM. That is three.

Mr. SCOTT. Then there was the *Arnold*.

Mr. ROSENBLOOM. That is four out of a total of how many?

Mr. BROWN. There are two boats on the Arnold Line. One goes up to Sault and one to Mackinaw Island.

Mr. MACLEAN. Mr. Chairman. Our time in Washington is limited, if you will pardon me for making that statement. We are here on urgent business, and we must get back as soon as possible. I wish I could introduce a man to you this afternoon who will say that he will run ships under present conditions. While we are talking about theories, please bear in mind that ships are not running. It is a condition that confronts the gentlemen who are here from the Great Lakes.

Mr. ROSENBLOOM. Mr. Maclean, can you give us something definite as to the name, tonnage and the routes of the ships that have been abandoned since the seamen's act went into effect, and when, and with a statement that cause of it was the injustice of the seamen's act alone, and not general industrial conditions? That will give us some facts.

Mr. MACLEAN. Before taking up that matter, if you will pardon me, as we are in a hurry—we will take that up very thoroughly—I wish now to call on Mr. L. C. Macomber, the traffic commissioner of the Toledo Chamber of Commerce, to tell you of the conditions in Toledo, and I would like this committee to ask Mr. Macomber for any information they desire.

Mr. ROSENBLOOM. I would suggest at the beginning to let him kindly give the names of some of the ships that have been taken off the routes, due to the conditions brought about by the seamen's act. I sympathize with the statement of the captain that handles the tug boats, but of course he is not handling general traffic and general freight, and the same is true with the gentleman here who has a fish boat.

Mr. SCOTT. If I may be indulged in just a moment, I will say this for the benefit of the committee. For five years we have been trying to get an amendment to this law. All the efforts in that direction have been made by the boat owners themselves. They have come here and flooded this committee ever since I have been on it with testimony beyond bounds, and they have never been able to get anywhere. Now, it has sifted back into the interior, and little by little our boats have been taken off, and I thought it was a wise procedure in presenting the evidence to the committee to show the conditions of the people who do business with the ships.

Mr. ROSENBLOOM. That is all very good.

Mr. SCOTT. I do not want to impose on the committee, but I want to show you a situation up in the country in which I live that is terrible, and after I get that in, then I will presume to call on the ship operators to show you in detail just how many ships have been taken off. Now, a number of people are down here to show you that it is affecting the farmer, whose sole means of support for himself and his family is potatoes, and his corn and his wheat that of necessity he must ship by water. He can not ship it by rail.

Mr. ROSENBLOOM. I have never served on this committee before, and I did not have the benefit of the knowledge as to what ships have been taken off. That is the thing that interested me.

Mr. SCOTT. I will show you just how many ships have been taken off and the tonnage.

Mr. ROSENBLOOM. And why they have been taken off?

Mr. SCOTT. Yes.

Mr. ROSENBLOOM. Thank you.

Mr. MACLEAN. If I may be permitted to make an explanation, I want to say to the members of the committee that the delegation before you to-day is not representing, as Congressman Scott has pointed out, the vessel owners. I believe we have with us a number of men who are the owners of vessels. We shall be glad to call them later. They have come here to hear the testimony of the men who ship goods and the men who desire to use the service. I will now call on Mr. L. G. Macomber, the traffic manager of the Toledo Chamber of Commerce, Toledo, Ohio.

**STATEMENT OF MR. L. G. MACOMBER, TRAFFIC COMMISSIONER,
THE TOLEDO CHAMBER OF COMMERCE, TOLEDO, OHIO.**

Mr. MACOMBER. Mr. Chairman and members of the committee, I do not presume to be able to offer any testimony as to the ability of the carriers to operate under the seamen's act. I do know this, however, that prior to 1920 we had the D. & C. service in Toledo. In 1920 the D. & C. boats failed to cooperate. We corresponded with Mr. Shonts, the president and general manager of the Cleveland & Detroit Boat Co., and my experience with Mr. Shonts would lead me to believe what he says, and his reply to me was to the effect that the boats were taken off because of the seamen's act. I do not know whether he was correct or not, but I do know this, that our experience in 1920 and for several years prior to that indicates very clearly to us the necessity of transportation facilities, and the improvement in our present transportation facilities.

You men in Congress undoubtedly have heard a great deal recently about our American transportation system, about its apparent breakdown during the war and about the possibility of its being unable to operate in the future, and something about the necessity of some relief to our present transportation facilities. I do know this, that whether or not the La Follette bill or the seamen's act is responsible for the D. & C. boats being taken off in any way, it is a contributing factor, and if in any way that contributing factor was unnecessary or a burden, there should be relief, because I believe that it is quite essential that this Congress direct its attention to the encouragement of transportation rather than discouraging it.

Just a word with respect to freight rates. Considerable has been said here regarding the ability of the boat operators to raise their freight rates to take care of this labor increase imposed through the seamen's act. First of all, before a package freight line can increase its freight rates, it has to file a tariff. If that rate is published in connection with rail rates, that tariff has to be filed with the Interstate Commerce Commission; if it is a port to port rate, that tariff has to be filed with the Shipping Board. Those laws that govern those tariffs are rather direct, in that those tariffs must be reasonable, nondiscriminatory, and that there shall not be a greater rate charged for a shorter haul than for a longer haul.

Let me illustrate. Harbor Beach has been mentioned here, and so has Port Huron. Perhaps this boat might increase its freight rate to Harbor Beach, because it was the only service that Harbor Beach has. We come down to Port Huron, however, and it is essential that that boat have some of the Port Huron business in order for it to operate. It can not depend entirely on this noncompetitive business. It must make up its cargo from some business to competitive points. It comes in competition at Port Huron with an electric line, and some roads serving common points. It can not publish a higher rate from Port Huron than the rail rate, because if it did, it could not meet the rate made by the electric line and by the railroad, and if it published a higher rate from Harbor Beach than from Port Huron, there would be discrimination.

The same situation would exist, to use the Put in Bay situation, Sandusky or Toledo. The boat rate from Sandusky to Toledo is about the same as the boat rate from Put in Bay to Toledo. You have the same rate as from Sandusky to Toledo. If the boat handling Sandusky business remains for business at all of these ports, it must publish a rate with some relation to the rail rate, or it will not get the business. When that boat touched Sandusky before it touched Put in Bay, it could not publish a higher rate from Put in Bay than it did from Sandusky, so the ability of the boat operators to adjust their freight rates is not entirely in their hands.

Boat rates must be made, in my opinion, relatively lower than the rail rates, because industrial activities in this country have been built up in relation to the rail service, in other words, have been built up with rail terminal service. You will find the bulk of your industries away from your water; in other words, freight must have either a truck or switch movement. That expense, in addition to the rail rates, must be given some consideration by the boat lines if they are to handle the business.

As an illustration of that, the Willys-Overland Co. in Toledo may buy automobile parts from Cleveland, Ohio. If those automobile parts move by water, the Willys-Overland, in considering that movement, must take into consideration the total transportation expense, and that is made up of terminal costs at Cleveland, water movement, and terminal expense at Toledo. If the rate is unreasonably high, the boat does not get that business. The boat has got to fix its rate with regard to some of that business cultivated already, so that it may take care of the business essentially required. So that the boat rate can not be unreasonably high.

Toledo is served by 14 steam roads, and by that I mean 14 railroads running out into the country. It would seem apparent that with 14 railroads our transportation service would be adequate so that we would have no particular concern with water service. That is not true, however. That depends materially upon the boat service between Toledo and Detroit, because of the congested terminals at both ends of the line, in so far as the railroads are concerned, and everywhere, so far as the electric lines are concerned. We naturally are concerned with embargoes on the railroads, both the steam and electric lines, and very frequently on the water routes, so we have to depend a great deal on the water service. The freight rates between Toledo and Detroit are exactly the same by water as they

are by rail; there is absolutely no difference. The water rates between Buffalo and Toledo are exactly the same as they are by rail; there is no difference. Yet we are using that service.

Some of us can remember without much effort that within less than a year ago we were confronted with transportation congestions and embargoes, and the inability to obtain empty equipment, etc. Some of us are rather apprehensive that we will be confronted by this condition again if business resumes anywhere near normal conditions. Having in mind the transportation situation and the condition the carriers are in, and taking all those things into consideration, we feel that every transportation facility should be encouraged rather than discouraged, and we feel that this water rightfully belongs to us, and we feel that we ought to be given the privilege to use it.

I am not prepared to say whether or not the seamen's act is a burden. My discussion with the boatmen seems to indicate that it is one of the influential reasons why we have not the service that we experienced two years ago, and why we were not given an increased service, and I desire to emphasize my statement that if that is in any way a contributing factor it certainly should be taken out of the situation.

For three months prior to the so-called business depression, or prior to last November, the New York Central carried a continuous embargo on the Buffalo gateway on merchandise business. That meant not only Toledo, but it meant your interior cities. You can go back as far as Nebraska, if you please, without being able to ship merchandise to Buffalo because of that embargo. If we had had a direct boat line from Toledo, that would have relieved the situation in that we could have consigned to Buffalo.

Mr. ROSENBLOOM. Have you ever had a direct boat line from Toledo?

Mr. MACOMBER. Yes; and have moved a lot of freight.

Mr. ROSENBLOOM. When was that discontinued?

Mr. MACOMBER. I can not give you the exact date, but I have moved freight in that way.

Mr. ROSENBLOOM. About how long ago?

Mr. MACOMBER. I think it was five years ago.

Mr. ROSENBLOOM. That was before the act was passed then?

Mr. MACOMBER. I do not think the act had anything to do with it; I do not know whether it did or not. It might have been the war feature that entered into.

Mr. ROSENBLOOM. But there has not been any of that service in the last five years at all?

Mr. MACOMBER. No. I am not positive about the date, whether it is 5 years, 4 years, or 3 years; I have not that information.

Mr. HARDY. You are certain it is within 10 years?

Mr. MACOMBER. I am reasonably certain of that.

There is another feature that I think we should give consideration to, and that is the apparent desire of the present administration to encourage inland waterways. We have an inland waterway through New York known as the Erie Barge Canal. That has just been put in shape, as I understand it, to Ottawa. If any of you men have had any experience in shipping through the eastern gate-

ways, you are thoroughly familiar with the fact that the Port of New York, as well as the balance of the eastern gateways, are congested almost continuously when there is a normal business. We have got to find some relief for that, and it seems to me that with a proper encouragement of navigation on the Great Lakes for package freight, we might be able to find a through waterway from Lake Erie ports and from the interior, in connection with rail routes, through Buffalo, via the Barge Canal, not by continuous movement, perhaps, but by through freight rates, and by transfer service at Buffalo. That is a thing we have been working on in Toledo for some time, and something we hope that we will be able to accomplish.

At the present time our rail service is quite satisfactory, but at the present time there is practically no business for the railroads, and those of us, who, as I said before, have studied the situation, are apprehensive as to the conditions that will confront us when business again becomes normal.

Mr. HARDY. Is that Erie Canal now being used?

Mr. MACOMBER. It is; yes sir.

Mr. HARDY. I know that for many years, it practically was a dead investment for the capital, was it not?

Mr. MACOMBER. It has just recently been improved, I believe you understand, so that it will accommodate the modern traffic.

Mr. HARDY. Have not the railroads found a way to get the best of it yet?

Mr. MACOMBER. Well, I do not think they really found any way to get the best of it.

Mr. HARDY. What became of the traffic that once made that canal famous?

Mr. MACOMBER. I might answer that in this way, that all of our transportation facilities, if you have given any study to transportation conditions and transportation history, you will find that one has outgrown the other; one has taken the place of the other. When that barge canal was first built and established it served a very important factor in the transportation game, as the tonnage reports will indicate to you, but it outgrew the requirements. One passed out of date, with the result that it has only recently been improved, and certainly must contribute to the transportation situation.

Mr. HARDY. Yes; but I know, as a matter of fact, that the transportation on the Mississippi River died.

Mr. MACOMBER. It is moving now, sir.

Mr. HARDY. And it has absolutely disappeared.

Mr. MACOMBER. There is business moving down the Mississippi River now, sir.

Mr. HARDY. A little.

Mr. MACOMBER. Let me tell you something about the Mississippi River. Let me tell you what the Mississippi River is doing with Illinois grain at the present time. The freight rate on Illinois grain from the interior of Illinois, central Illinois to New York is 44 cents. That grain can be taken into Cairo, assembled there and put in boats, and is being generally shipped to New Orleans for 31 cents. That is just exactly the important factor the Mississippi River is playing in connection with Illinois grain at the present time.

Mr. HARDY. Let me supplement that by saying that the same result was had from Memphis to New Orleans on cotton. They reduced freight rates there because of the water competition down to 17 cents per 100 pounds. It is about 500 miles. The result was the taking of the boats off of the river. They come into my State, where they have got no water transportation, and charge 55 cents, three times as much, for the same kind of traffic. The railroads have absorbed the traffic by lower rates, and then at an interior town they raise it, and you destroy the traffic by water until finally they cease to have terminal facilities, and if you can get cheaper water transportation your terminal facilities work it up so all these things enter into the question of your boats leaving transportation.

Mr. GAHN. Not on the lakes.

Mr. MACOMBER. With regard to the freight rates, let me remind you that since that time the Interstate Commerce Commission has been appointed, and the act to regulate commerce has had some teeth put in it, with the result that the Interstate Commerce Commission now has jurisdiction over those rates, and with the result that within the past six months the rail carriers have been refused a reduction in their rail rates in the New Orleans territory, with the result that their rates have been increased, to do away with that violation.

Mr. HARDY. The condition I spoke of prevailed for 20 years after the Interstate Commerce Commission had been in operation, as to New Orleans.

Mr. MACOMBER. There are a lot of things that happened that are not happening now.

Mr. KIRKPATRICK. Can you tell us how many boats the D. & C. boat line operated?

Mr. MACOMBER. I think there are two boats in there, running from Mackinaw Island to intermediate points.

Mr. KIRKPATRICK. They were entirely discontinued in 1921?

Mr. MACOMBER. Yes, sir, we had no boats last year, and Mr. Shonts advises me it is due to the seamen's act. I do not know whether Mr. Shonts is correct or not, but as I see it, it must have had some very influential effect on it, or Mr. Shonts would not have made that statement. If it had any bearing whatsoever, and it was unnecessary, I think it ought to be relieved.

Mr. ROSENBLOOM. When was that statement made to you?

Mr. MACOMBER. Last year, I will send you a copy of the letter, if you would like to have it.

Mr. ROSENBLOOM. I will take your word for it.

Mr. MACOMBER. Let me cite you an illustration. To-day there has come into being a transportation industry which is known as the baby transportation industry, and that is the motor transportation industry. The motor transportation is playing a very influential part to-day in boat traffic and in rail traffic. Take between Toledo and Detroit, for instance. We have motor truck competition. Motor truck competition operates on the same rates as the railroads, and the same rates as the boats. That motor truck competition is not governed by any laws, State, Federal, or otherwise. For instance, they can load a Ford bus up with 20 people, and take them out and run them against a telephone pole and kill them, and there is not any law to reach them except the common law. If you have read the

newspapers or cared to gather information, you have found out that there have been more people killed on the Dixie Highway in the last two years than have ever been drowned on the Great Lakes.

Mr. FURUETH. May I be permitted to ask the gentleman a question?

The CHAIRMAN. Just one moment. Before you ask any questions, I want to ask you a question. I have here a newspaper clipping which makes the following report of something which occurred in Boston on Sunday night, and I want to know if you made this statement.

Mr. FURUETH. Last Sunday night?

The CHAIRMAN. Yes, sir; a week ago Sunday night. Were you in Boston a week ago Sunday night?

Mr. FURUETH. I was in Boston two weeks ago.

The CHAIRMAN. And you spoke at Ford Hall?

Mr. FURUETH. That is correct.

The CHAIRMAN. Now, the statement is this:

A court is no more sacred than royalty was. When they serve an injunction on me I will disobey it. I'll travel that road if I have to travel it barefoot and alone.

I want to ask you if you made that statement?

Mr. FURUETH. I want to qualify that——

The CHAIRMAN. There is no qualification.

Mr. FURUETH. There were qualifications to it.

The CHAIRMAN. What qualifications did you make?

Mr. FURUETH. It would take a little time to tell you, if you want them.

The CHAIRMAN. Let me read further:

These are the words of Andrew Furuseth, president of the International Seamen's Union, at Ford Hall in this city on Sunday evening. And he is the man who will lead the now threatened strike, if it comes to pass.

How do we expect an American merchant marine to compete with other nations on the high seas if our seamen are responsive to such a leader as this? Only the other day our Supreme Court, by a vote of five to four, decided against the profiteering landlords, taking a position which conservative people call socialistic. And yet this labor leader denounces the courts as instruments of autocracy, and urges the army that marches behind him to disregard their devices for orderly procedure.

Now, I ask you whether that is true or not?

Mr. FURUETH. That is not true.

The CHAIRMAN. Not true?

Mr. FURUETH. In the same sense it is put there it is not true.

The CHAIRMAN. In these words? Did you state these words?

Mr. FURUETH. I did not in that sense.

The CHAIRMAN. "A court is no more scared than royalty was. When they serve an injunction on me, I'll disobey it." Did you state that?

Mr. FURUETH. I stated that, with certain very specific qualifications, sir.

The CHAIRMAN. What are the qualifications?

Mr. FURUETH. The qualifications will take—if you want me to state them I will state them.

The CHAIRMAN. I do not want you to testify until you clear your record.

Mr. FURUETH. When the newspapers make a record against me I want to be put right and clarified.

The CHAIRMAN. That was published on the 26th day of April, and I have seen no denial of it at all.

Mr. FURUETH. I never deny what is stated in the newspapers, because——

The CHAIRMAN. Wait a minute. Tell me distinctly whether you said that you would disobey an order of the court.

Mr. FURUETH. I did not in that sense.

The CHAIRMAN. Well, there is no sense about it.

Mr. FURUETH. I did not.

The CHAIRMAN. What did you say?

Mr. FURUETH. I have not got what I said now. I can find what I said. The one thing I wanted to ask, Mr. Chairman——

The CHAIRMAN. I object to your interfering at all in this hearing until you clear your record.

Mr. FURUETH. My record—how will I clear it?

The CHAIRMAN. By a frank statement.

Mr. FURUETH. Then I say now that the words quoted against me are not true, so help me God.

The CHAIRMAN. Now, then, if that is true, if you want to ask a question, I will allow you to ask a question, but if your record stands there, and that is the first denial I have seen of it, and it has been out since a week ago Sunday——

Mr. FURUETH. I just want to ask the gentleman, if I may, whether shipping, in any shape or form in the United States, is subject to common law or any other law with reference to the loss of life, or legally for the carrying of passengers, or whether it is not definitely limited as to liability under which there is no such thing as recovery on the part of a passenger or those who die or those who are injured as passengers on board a steamer, in any shape or form?

Mr. MACOMBER. That is a rather long question.

The CHAIRMAN. I do not know anything about it, but let us get the answer to it, if you can give it.

Mr. MACOMBER. I am not a lawyer, but I think I can answer the gentleman in this way. I think you have reference to this automobile that I referred to. This automobile man carried absolutely no insurance, and he owed for nine-tenths of that automobile; I do not know just exactly how his family could recover any damages, whereas they could against a railroad or against a boat line.

Mr. FURUETH. Not against the boat?

The CHAIRMAN. That is entirely outside of the hearing, so far as I know.

Mr. MACLEAN. Mr. Chairman, if you will permit me, I would like to ask at this time, without interrupting the witness, Mr. L. C. Williams, of the city of Detroit, to reply to the question that has just been asked.

Mr. L. E. WILLIAMS (representing the United Fuel & Supply Co., Detroit, Mich.). Replying to that question, in two specific instances within the last two years our company has had two men lost overboard, in both cases without any liability on the part of the boat, in that the boat was not a contributor. Both of them fell overboard, and in both cases, in a suit in the civil court they lost. Both of

them lost their lives, but the courts held that there was no liability on the part of the boat, because the boat was not negligent. One of these men was walking along the railing, and he stumbled and fell, and in the other case the man was climbing over a pile of coal, and slipped.

Mr. HARDY. Mr. Macomber, I want to say, to begin with, that I agree with you in your initial statement, that if the D. & C. had to take off their boats because of the La Follette Act imposing a burden which was not necessary, I am in favor of removing those burdens, or if there is any unnecessary burden, whether it contributes or not, I do not believe in putting on an unnecessary burden, but that is only just to state my position in the matter. But did I understand you to say that the rail and water rates between Toledo and Cleveland were not the same as between Buffalo and Cleveland?

Mr. MACOMBER. The rail and water rates between Detroit and Toledo are the same.

Mr. HARDY. Between Detroit and Toledo?

Mr. MACOMBER. Between Detroit and Toledo they are the same.

Mr. HARDY. I might have been wrong. I had it Toledo and Cleveland.

Mr. SCOTT. He said that there was no service between Toledo and Cleveland.

Mr. MACOMBER. The rail and water rates between Cleveland and Buffalo are as follows: Rail rates, $89\frac{1}{2}$; water rates, 87.

Mr. HARDY. So that there is only $2\frac{1}{2}$ cents difference?

Mr. MACOMBER. Practically the same.

Mr. HARDY. Has that water rate got to bear your extra terminal charges?

Mr. MACOMBER. To handle the business; yes, sir.

Mr. HARDY. By which sum total of the terminal and water-route rate must be greater than the rail rate?

Mr. MACOMBER. I know the water route is higher.

Mr. HARDY. Why is it that the people patronize the water route under those circumstances, because they get better service?

Mr. MACOMBER. Well, there is a certain class that appreciates that that service would not be more expensive. There is a certain class of shippers to whom that would not be more expensive, for instance such shippers as do not happen to have private sidings. There is a certain percentage of those shippers that would have to truck their freight over to the rail or water haul.

Mr. HARDY. Is there any combination or joint ownership between the water vessels and the rail routes that you spoke of?

Mr. MACOMBER. Not since the Panama Canal act.

Mr. HARDY. There is no interlocking or overlapping directorates?

Mr. MACOMBER. No, sir. We did have at one time a joint service. The Lehigh Valley operated a fleet of boats up to Buffalo. They had the biggest freight house in the United States, I think, at Buffalo.

Mr. HARDY. How do you account for the possibility of rail being able to carry freight as cheaply as by boat? It can not do it, can it?

Mr. MACOMBER. Hardly, when you take into consideration that rails are moved in units of 50 tons, and in almost 700-ton units by boat. It is not reasonable that they could compete, and there is

something wrong somewhere, and it needs very careful consideration. There is not any reason in the world, in my estimation, why we ought not to have very materially reduced rates on the Great Lakes than on the railroads.

Mr. HARDY. As business men, do we not all know that a boat carrying many hundred of tons, without any track repairs and overhead charges like the railroad, can beat the railroads at least two to one on rates?

Mr. MACOMBER. Not two to one, because they do not have the period of operation, to begin with; and they have a certain amount of overhead and upkeep for their boat, which will be an expense.

Mr. HARDY. It is not admitted that vessels can carry freight through the canal around to New York quite a bit cheaper than can be done over the land?

Mr. MACOMBER. That is a materially longer haul.

Mr. HARDY. How long is the haul between Buffalo to Detroit, or those two places you spoke of?

Mr. MACOMBER. Two hundred and six miles.

Mr. HARDY. Are you quite sure that that differential of only 2½ cents did not cover the terminal charges too?

Mr. MACOMBER. Yes; I am absolutely correct on that.

Mr. HARDY. It seems to me so unreasonable that something must be wrong, as you say. That is all I wanted to call attention to. I just wanted to emphasize that.

Mr. SCOTT. I think we ought to have one more witness, and I suggested that Mr. Myer from Sandusky testify, but it has been suggested across the table that we had better put some other testimony on.

Mr. MACLEAN. I will introduce Mr. Frank H. Myers, director of the Sandusky Chamber of Commerce.

STATEMENT OF MR. FRANK H. MYERS, DIRECTOR, CHAMBER OF COMMERCE, SANDUSKY, OHIO.

Mr. MYERS. Mr. Chairman and gentlemen, at the outset I would like to say that I have no ax to grind with either the shippers or the boat owners. I represent the Chamber of Commerce of Sandusky, Ohio, a city located between Cleveland and Toledo, a town of 25,000 inhabitants. I am interested in the chamber of commerce as a director. My business is that of a merchant running a large department store; and it seems to me that any law which does not function the purpose that it sets out to do for the people all along the Lake regions is a law that should be changed by all means; and when I say to you gentlemen here that this law, as I understand it, the seamen's act, is causing an inconvenience to the people who are living upon these islands—Kelleys Island, Put in Bay, North Bass, Middle Bass, which are approximately all practically 12 to 25 miles from Sandusky; and that those people are coming into our store from time to time and complaining of the service—I believe it is time that this Government commenced to take a hand in the affairs and find out exactly where the trouble lies. We have a boat by the name of the steamer *Arrow*, which makes daily trips from Sandusky to Put in Bay. This boat starts on the 1st day of April and runs generally up to December 1.

Mr. BRIGGS. How large a vessel is it?

Mr. MYERS. A boat that will practically hold from 800 to 1,000 people. This boat—imagine it, gentlemen—can go to Put in Bay, start out from Put in Bay in the morning, and I am quite sure that if the men who framed that bill would have to stay on Put in Bay, if there were 100 or 400 Congressmen who had to stay on Put in Bay from the 1st day of April to the 15th day of April and could not get off of that island, they never would have made or enacted that law. Think of it! Here are practically 500 people on Put in Bay and on Kelleys Island and other islands. This boat starts out from Put in Bay in the morning at 6 o'clock. She can only take 80 people by the enactment of that law. Her capacity is over 800 people, and if there were 100 people come down to that dock at 6 o'clock in the morning there were only 80 that the boat could take. To the other 20 the captain would have to say, you will have to stay home. She then in turn stops at Kelleys Island, which is a distance of about 7 to 8 miles, and here are people who have been anxious all the winter through to come to our city to do their trading and to do their shopping. She stops at Kelleys Island and that happens, and the same thing at Middle Bass. So there are 50 to 75 people on that dock waiting to come to Sandusky, anxious to come, been penned up all the winter long, and the captain says, "No; we have got our capacity. We have got 80 people on this boat. We can not carry any more, and therefore you will have to stay here." I would like to have some of the Congressmen stand there for all that length of time since that was enacted, and change that law.

There is no more danger from the 1st of April up to the time that this law goes into effect, and there is no more danger on the Lakes up to December 1 than what there is up to September 15, and yet after September 15 none of these people can go to Sandusky, only 80 at a time, because of that seamen's act. It is my humble opinion that this act should be changed to read from April 1 to December 1. After that time those people on those islands are all housed up, with no railroad facilities whatsoever, with practically almost 2,000 people living upon those islands. It is an injustice to them; it is not right. I have told you that there is no more danger upon those waters all the while they are running than what it is merely for the short time they are running. We have just as nice weather there in November up to December 1 that there is in May, June, and July, if you please. There is no more danger then than what there is before, and why deprive those people of coming out on that boat if they so choose?

These people grow peaches and they grow grapes. It is their livelihood. I do not know what is confronting the other gentlemen that you have heard before me. They are there, away up, 200 to 400 miles from where I am, but I do know this, and I as a business man would put it to you just in this way, that there is one thing that confronts a man that is in business. When he gets an overhead that is so much that he can not make it, he goes to the law. You may drive these men that own these vessels, or I might put it this way, you might drive a horse to water but you can not make him drink. You might drive these men that own these vessels so that they will not run these vessels. What becomes of the people all through that section who number into the thousands. That is the thing that has

to be corrected. These men are in business for a profit the same as I am as a merchant, and when they can not make a profit they are going to quit. Take the steamer *Kirby*. The steamer *Kirby* has plied between Sandusky and Detroit for as many years as I can remember, and I have been living in that section 45 years, and I do know that last year the steamer *Kirby* was taken off.

I do not know all of the proposition. I do not know these men. I am here only to say that this section of the country should be relieved. If the seamen's act is the cause of it, repeal it. If it is the cause of it, I say divorce it from that bill entirely and make new laws to confront the situation which we are up against. I have no ax to grind with labor. I want to see high wages. It is better for my business and better for everybody else as far as that is concerned, but when you take ships off labor has nothing to do whatsoever, and that has been the cause in the case of the steamer *Kirby*. The *Kirby* to us is not of vital importance. We run a very large store and we are dependent to some extent upon these people who live upon these islands, and they like to come to the city to do their trading.

Mr. HARDY. Do you mind telling me what has become of the *Kirby*?

Mr. MYERS. The *Kirby*, as I understand it, is lying in the Detroit yards doing nothing. I do not know what the reason in it is or anything about it. I am only here to tell you as a man who has got nothing to do with those shipping interests whatsoever my view. I do not care, but what I am here to find out is what is the reason these boats are being taken off, and why are the people of those islands deprived of that pleasure.

Mr. HARDY. Let me ask you a question along that line. The railroads all claim they are losing money. Suppose they would stop and cease carrying? What would you suggest Congress do?

Mr. SCOTT. They cannot stop.

Mr. HARDY. I do not know about this, unless we give these boats a subsidy, whether they will get any boats running.

Mr. MYERS. The whole thing is that those people need a volume of business. The tourist business only comes once during the season.

Mr. HARDY. But if they lose money they will stop, whether it is from the seamen's act or not.

Mr. MYERS. They can get a volume of business because the prices are less. We have increased our business in our little city of 25,000 inhabitants, up to the present day; that is, three months of this year, over \$20,000 from last year, and that is through the volume of business from lower prices. Just as soon as these vessel men increase the rates on their ships, I want to tell you they will lose business and people will not travel, if you put on higher rates or the same rates as those you have to pay on the railroad train.

Mr. HARDY. Is it true that boats are being tied up and goods stopping going across the ocean?

Mr. MYERS. The hardest period is what we are passing through now. I think the periods 1892 and 1907 that we passed through we passed through nice and had those boats running. We always did have the boat *Alaska* running from Detroit and the steamer *Kirby* running from Detroit.

Mr. HARDY. When did the steamer *Kirby* quit?

Mr. MYERS. Last year.

Mr. HARDY. How long had the seamen's act been in force then?

Mr. MYERS. I do not know.

Mr. HARDY. It had been in force since March, 1915. Why say it stopped it last year and had not stopped it up to then?

Mr. MYERS. I think the gentlemen who have been running these boats may have had reasons for that. I do not know the reason. I am not acquainted with that. You can not question me on that, because I am simply a merchant. I am only here to find out why these boats can not run.

Mr. HARDY. I do not want to put a single burden that is not necessary, either for the protection of the men or safety of lives at sea, on any ship. I want to do exact justice to all these ships, but the mere fact that some ship is paid off and is tied up when ships are tied up all over, in other countries, and railroads are not making any money, does not, to my mind, satisfy me that there is some defect with the seamen's bill.

Mr. MYERS. But the fact remains, though, that these men are losing money, as they say, after that, and they have tried it for the last three or four years and given up in despair. There is something wrong, and people tell me it is because of this seamen's act. We are as much different from the ocean on the fresh waters of our lakes as day and night, it seems to me, when we come down to the difference of a boat on the ocean and on the lakes. They should not be connected at all together. I can not figure why people figure out that they should be treated alike.

Mr. CHINDBLOM. You said you have increased your volume of business immensely during the first three months of this year. Is that general with business men or with business men in the Great Lakes region?

Mr. MYERS. I can not say. This is an illustration. When you talk about increasing the rates—say, for instance, it costs 75 cents to go to Put in Bay where it used to cost 50 cents—you do not increase the volume of business, and the people do not go as often or ride as often. I give that as an illustration, because the rates practically are almost the same now. The freight rates, as I understand—and I have it right here, as I just got it from the clerk of the chamber of commerce—are first, second, third, fourth, fifth, and sixth class on the steam roads $62\frac{1}{2}$ cents and on the electric packet road \$1.03. The rail rates are 59 cents for first class; second class, 53 cents; and the water rate 49 cents. It is not quite 20 per cent. It is not over 10 per cent cheaper. The third-class rate is 42 cents, and the water rate is $38\frac{1}{2}$ cents; fourth class is $31\frac{1}{2}$ cents as against $29\frac{1}{2}$ cents; fifth-class rate is 22 against 20; and the sixth-class rate is $17\frac{1}{2}$ cents against $15\frac{1}{2}$ cents. There is not 20 per cent difference. There is not over 10 or 15 per cent difference between the rates. We have a passenger rate, which is on the steam road going to Detroit, of \$4.06; electric road, \$2.71; and the water rate from Sandusky, \$1.25.

Mr. HARDY. What is the electric rate?

Mr. MYERS. \$2.71.

Mr. HARDY. And the rail rate is \$4?

Mr. MYERS. \$4.06. A lot of those people prefer to ride from Sandusky to Detroit, but the steamer *Kirby* is now taken off. She is a vessel that carries freight and passengers.

Mr. JEFFERIS. How far is it from Sandusky to Detroit?

Mr. MYERS. About 80 miles.

Mr. SCOTT. By rail?

Mr. MYERS. By rail.

Mr. SCOTT. How far by water?

Mr. MYERS. I can not say. I hear it is 111 miles by rail and by water 75 miles. The secretary of the Chamber of Commerce gives me these figures.

Mr. BRIGGS. When did you say the *Kirby* was taken off?

Mr. MYERS. Last year.

Mr. BRIGGS. Did she run profitably up to that time?

Mr. MYERS. They tell me she paid three years ago, and last year I understand they lost money.

Mr. SCOTT. You mean the year before that?

Mr. MYERS. The year before that they lost money.

Mr. BRIGGS. Did the traffic hold up pretty well during the previous time up to two years ago?

Mr. MYERS. Yes.

Mr. BRIGGS. They were operating then under the seamen's act, were they not?

Mr. MYERS. I do not know.

Mr. BRIGGS. That went into effect in 1915.

Mr. MYERS. Mr. Dustley might explain that.

Mr. GAHN. Before 1915 were any of these island boats laid up?

Mr. MYERS. No, sir.

I would like to say that in Sandusky we are not only a freight boat. We have only one boat going to these islands. These people come over and talk to me and say, Why don't you get that boat changed? Why don't we have the *Kirby* running here the same as it used to, so we could get to your place of business? The *Kirby* leaves Detroit at 6 or 7 o'clock in the morning and leaves Put in Bay or Kelleys Island along about noon. It was very advantageous for those people to take that boat to go to Sandusky to do their trading and go back on the 4.30 boat. It gave them business. That business is taken away from them.

Mr. BRIGGS. Who operated the *Kirby*?

Mr. MYERS. Mr. Dustley.

Mr. BRIGGS. Have you had any assurances that with the relief that is asked for, about extension of time of season, that the *Kirby* would continue to operate?

Mr. SCOTT. And the other changes as well?

Mr. MYERS. If they have these changes they will continue to operate.

Mr. BRIGGS. I am speaking about this change in the length of season.

Mr. MYERS. Yes. You can see by this illustration; for instance take the chamber of commerce. We had decided to run an excursion from Put in Bay from the island to Sandusky. I did not know anything about the seamen's law and never looked into it and the chamber of commerce went ahead and got all the data that was

necessary for it to get, the tickets, and decided to have an excursion on the 1st of October or the 15th of October. We did. The captain, when he got on the dock, left the dock that morning there, and something like 300 people wanted to go to Put in Bay. He could only take 80. It was fine weather.

Mr. ROSENBLUM. How many of them were on the boat at that time?

Mr. MYERS. He could only take 80.

Mr. ROSENBLUM. All those at Put in Bay. How many passengers on the boat?

Mr. MYERS. He could only take 80. There were something like 300 there. There is no reason why this act should not be changed to read after December 1, when the boat lays up. I can not see any reason.

Mr. HARDY. Can they run in summer time and carry 800 passengers.

Mr. MYERS. Between seasons in the summer time?

Mr. HARDY. Do they run during that time?

Mr. MYERS. It runs all during that time.

Mr. HARDY. Is there trouble with these lake men in having equipment for life preserving?

Mr. MYERS. I can not go into that. You gentlemen should find out those things.

Mr. BRIGGS. All you know is it simply does not run.

Mr. MYERS. I only know it does not run, and that is what I want to have corrected.

Mr. MACLEAN. Our committee expects to get through in a short time if you will show us a little indulgence. We have a very important witness here from Port Huron, Mr. E. W. Kiefer, president of the chamber of commerce of that city, and also president of the Port Huron Sulphite & Paper Co.

The CHAIRMAN. We will hear him.

Mr. KIEFER. This section is at the head of the St. Clair River. The town has 28,000 inhabitants in which we live. There are a number of towns along those 30 or 40 miles of river built up by water transportation. Port Huron is only one of these towns and the only town of that section that has any rail transportation worth speaking of. It has the Grand Trunk running east and west. What other railroads there are through there are the Pere Marquette and the so-called Handry Brother's logging road that runs up the shore. The business of this section is salt, and there are about 100,000 tons of salt shipped out from our city, which has the largest salt mill in the world, and the other two towns next down are St. Clair and Marine City. It requires coal to bring that salt to the surface and evaporate it. This coal is obtained at Toledo. The reason that that business is in this section is the cheap water rate to bring the coal to it. Another important piece of our business is pulp and paper. The reason that is located there is that the pulp wood is brought down to the Great Lakes primarily at Port Huron and shipped westward into Kalamazoo largely. Kalamazoo is the largest paper-making section in the West, making book and magazine paper. There is very little or no news paper made in Kalamazoo.

The situation in regard to this seamen's law is that the bulk of this business is carried in small vessels of the type and class that Capt. Crosby was speaking about, 1,000-ton steamers. The coal

comes up in them and the salt goes out in them, and the pulp wood comes in on them. As I say, there is nearly a half million tons of freight handled that way. That coal comes up from Toledo. It takes one of these boats eight or nine hours to run down to Toledo and about twice that length of time to come back against the current. Under this law she is required to carry one extra fireman, two extra coal passers, and an extra cook. As Capt. Crosby shows you, it costs between \$4,000 and \$5,000 to carry these extra men. The vessel is in port from two to three days unloading, and she is only running less than 24 hours, at the best from 8 to 12 to 15 hours in getting the coal. In getting wood she goes to the bay, which is a run of 24 hours. is in port four or five days loading, and is another 24 hours coming back again. The Sault River run is the same. The Lake Superior run is a run of about three days with the same three or four days in port at either end. These men have absolutely nothing to do either when the ship is at sea or when she is at port. A boat of that kind will carry about 4,000 cords of wood in a year's time, and it costs \$4,000 more to operate her under present-day wages under this law than it would if we were without the provision of law as to these extra men. That means \$1 a cord.

I am a pulp and paper manufacturer and I want to tell you what we are up against. That \$1 a cord on the 20,000 cords of wood means \$20,000 extra that we have got to pay for no purpose. The people we are competing with are located in Canada where we get our wood. We can afford to pay \$3 a cord on freighting our wood down, which would be \$60,000, because they have got to come to Kalamazoo with their product the same as we have. The rate to Kalamazoo is 20½ cents a pound. That is \$4 a ton; 10,000 tons is \$40,000. The rate to Kalamazoo is 45 cents a pound. On the same 10,000 tons that is \$90,000. There is \$50,000. Against that we have got to pay \$60,000 on the freight. But we have a shorter haul on the coal and a shorter haul on the sulphur to compensate for bringing our wood down. The coal proposition works out exactly the same way. One of those vessels will carry a thousand tons in about four days' time. The extra cost is about \$100. In other words, it costs about 10 cents a ton more to carry these useless men.

Mr. HARDY. Do these boats carry nothing but coal? How many tons of coal?

Mr. KIEFER. They will carry about 1,000 tons.

Mr. HARDY. You have got 20,000 cords of wood?

Mr. KIEFER. Our concern brings in about 20,000 cords of wood.

Mr. HARDY. Are you the only concern that patronizes this vessel that carries 1,000 tons?

Mr. KIEFER. No; the salt companies carry in coal and carry out salt. We are the only company that patronizes them as far as taking in pulp wood is concerned.

Mr. HARDY. The total increase in cost of their operation by reason of these four additional men amounts to four or five thousand dollars.

Mr. KIEFER. Per year on each vessel.

Mr. HARDY. How many cords of wood will each vessel haul?

Mr. KIEFER. She will haul approximately 400 cords, makes 10 trips carrying 400 cords, which is 4,000 per vessel.

Mr. HARDY. That is 4,000 cords in the whole year?

Mr. KIEFER. Yes.

Mr. HARDY. Carrying anything else?

Mr. KIEFER. Yes; they carry some coal, too. She will run in about 5,000 tons of coal in the season.

Mr. HARDY. How do you figure out that when they have to increase their cost of operation by these four men, these four or five additional men, that when it gets to you it runs to \$20,000 on your wood alone.

Mr. KIEFER. Because we have got to carry 20,000 cords of wood and it takes four or five of these vessels to carry in this wood. I am giving you the cost on one ship.

Mr. HARDY. I thought you said one ship would carry 10,000.

Mr. KIEFER. I said 4,000. I said she would make 10 trips. That vessel carries 1,000 tons.

Mr. HARDY. And it carries coal back, and you have to pay \$1 a cord, or \$4,000, so as to totally wipe out this extra cost of labor.

Mr. KIEFER. We certainly have to meet that to get them to run at all.

Mr. HARDY. Have you any figures of what per cent this extra cost would add to the cost of operating that ship?

Mr. KIEFER. Exactly.

Mr. HARDY. What?

Mr. KIEFER. It costs about \$30,000 to operate a vessel of that kind of which \$20,000 is labor.

Mr. HARDY. So instead of labor being 10 or 12 or 15 per cent it is about 66 $\frac{2}{3}$ per cent?

Mr. KIEFER. It is not hard to figure at all. There are 17 men on a boat of that kind under this law. Those 17 men in wages will draw down between \$18,000 and \$19,000, and that is the first cost under labor and your food. Food is directly proportionate to the number of men on the boat. You have a cost of about \$6,000 for coal, a couple of thousand dollars insurance, and a couple of thousand dollars more for ship repairs.

Mr. HARDY. That is, \$10,000?

Mr. KIEFER. Engine repairs will run about \$500; laying up and incidentals will run another thousand.

Mr. HARDY. That is, \$11,500?

Mr. KIEFER. And you will run about \$30,000 to operate a vessel to-day of that kind.

Mr. HARDY. Not counting anything up for the wear of the vessel?

Mr. KIEFER. Without counting any depreciation or amortization or whatever you want to call it. On that, if you can operate with 11 men or 13 men, we figure it will cost \$4,000 or \$5,000 less between food and wages.

Mr. HARDY. Then you put all of that on your wood to make it \$1 a cord?

Mr. KIEFER. It amounts to \$1 a cord. If you can get the vessel to operate that much cheaper you are in shape to compete against them. The Canadian has a government railroad making him a rate, which hauls his stuff 500 miles for the same price that our railroads haul our stuff for 120 miles. They have got practically a 45-cent rate straight down to Kalamazoo, and we pay a 20 $\frac{1}{2}$ -cent rate. They had to come to Port Huron to get to Kalamazoo by rail.

Mr. HARDY. Then we are having a little trouble with the railroad rates, too. They charge us a little excessive.

Mr. KIEFER. The Canadian railroad rates into American territory are made to build up Canadian business.

Mr. HARDY. Yes.

Mr. KIEFER. The Canadian marine laws are made to build up Canadian business. Their coal can go up there cheaper, or their freighting is on a cheaper basis than what ours is. It will cost our town at least \$25,000 more to handle their coal, about the same amount for salt, and \$20,000 more to handle the wood by reason of this law. We would not object to it if these men had anything to do, but this class of vessels that handle that particular business are in port loading and unloading at least two-thirds of their time.

Mr. HARDY. Are you a ship operator yourself? Do you operate a ship?

Mr. KIEFER. I do not operate ships; no, sir.

Mr. HARDY. You are only giving from what has been reported to you as the items of cost?

Mr. KIEFER. I am a stockholder in shipping companies that do all that and I know what their costs are, and I came into this business from the shipbuilding business. My previous connection was with the American Shipbuilding Co. That was before the seamen's law went into effect.

Mr. HARDY. Let me ask you about these wages. You said the seventeen men cost \$18,000, which is a little over \$1,000 apiece?

Mr. KIEFER. Yes, sir.

Mr. HARDY. Are not those extra men the lower wage or are they the higher wage crew?

Mr. KIEFER. No, they are the lower wages.

Mr. HARDY. What does each one of these extra men cost?

Mr. KIEFER. One hundred dollars a month.

Mr. HARDY. If each costs \$100 a month, then you have got your wage cost too low.

Mr. KIEFER. We are figuring down to the lowest possible.

Mr. HARDY. That would be \$1,200 for each man.

Mr. KIEFER. Those men got \$125 a month last year.

Mr. HARDY. So that the 17 men would hardly be paid by \$18,000.

Mr. CHINDBLOM. That is not for the whole season.

Mr. HARDY. Were not the coal passers put on by the Steamboat-Inspection Service and not by any direct requirement of the law?

Mr. KIEFER. I understand as an extra requirement of the law. The Steamboat-Inspection Service are the people that see that it is carried out.

Mr. BRIGGS. The season for which these vessels run does not extend all through the year?

Mr. KIEFER. About seven months.

Mr. BRIGGS. And the other five months of the year the vessels are laid up?

Mr. KIEFER. Yes, sir. The vessels I have been speaking about are packet freighters. Port Huron suffers in that regard the same as other towns because the packer freight service has been cut out absolutely. It so happens, however, that there is an electric line running down to Detroit that can handle some of that and one railroad from Port Huron down by which we can ship by rail, in which we are in a different position from these other gentlemen who have

no rail connections and are totally dependent on vessels. Our packet freight is in the bean business, castings, and agricultural machinery, small agricultural machinery like cream separators and milling machinery and the like which can move by rail.

Mr. BRIGGS. When was your packet service discontinued or reduced?

Mr. KIEFER. That went out of service last year.

Mr. BRIGGS. Up to that time had the packet service been operated at a profit?

Mr. KIEFER. That I can not say, whether it was at a profit or not. The ship operators who operate those lines say not. We have not examined their costs.

Mr. BRIGGS. But they had operated up to 1920?

Mr. KIEFER. Yes, sir; I am a stockholder in some of those other lines. I put money into Port Huron and believed in that territory because it had a chance for cheap water transportation, getting coal in, getting bulk stuff out in small boats.

Mr. BRIGGS. There is a demand for commodities such that these packet steamers can be utilized to capacity to operate at a profit under ordinary conditions, according to your contention?

Mr. KIEFER. The freight service is there. That is, there is a sufficient amount of freight on a profit to keep them operating, I presume, to capacity. I do not know because I do not operate one of those lines and am not interested in them, from the beginning to the end of the season, but as I understand their contention they require passenger service to make the line profitable. They can not operate on freight alone.

Mr. BRIGGS. As to the cost that you were giving a moment ago, in reference to the questions of Congressman Hardy, were they costs of which you were cognizant yourself or those you have heard of as actual costs?

Mr. KIEFER. I know that of my own knowledge.

Mr. BRIGGS. Are those recent costs or costs some time ago?

Mr. KIEFER. The costs of this season. What we are up against this season is this: The pulp and paper market, like all other markets, is declining rapidly. Competition is very, very severe. On the competition we meet we had to look up every last cent to see whether we are going to do business at \$1 or \$2 a ton, and that makes a big difference in the volume of business of 10,000 tons when that pulp and paper business moves. I want to see what we can do to move that wood down at the cheapest and lowest possible margin of profit, and put our stuff into Kalamazoo at the lowest possible prices. We are met with a condition by which we figure out their lowest possible cost of operation. Their cost of operation last year on the cost of operation of a boat that I know of was \$40,000. I had the statements in my office which were given to every stockholder—where they came out. They operated on—I was going to say at—I have forgotten whether it is a loss or a gain, but either way it was \$400 or \$500. They paid the new requirements demanded and made an even break on it, and had a much higher freight rate at that time than at present.

Mr. BRIGGS. Where do the shipping companies in which you are interested as a stockholder operate—on this line you are referring to?

Mr. KIEFER. Yes, sir; on that same pulp-wood business.

Mr. BRIGGS. Are there any Canadian vessels engaged in that same service?

Mr. KIEFER. There are some, I think, about six that we own right in this district which in the last three or four years have gone over and changed their flag from the American to the Canadian flag.

Mr. BRIGGS. Are they still operating?

Mr. KIEFER. I could not say.

Mr. BRIGGS. You do not know whether they have suffered like the American vessels or not?

Mr. KIEFER. I presume they are operating and running vessels, the Canadian companies. That is where most of them go, to the pulp and paper business on the Welland Canal locality, where they employ these Canadian vessels.

Mr. BRIGGS. You do not know whether they operate in a local way or not?

Mr. KIEFER. They can not operate coastwise from American ports to American ports. All they could do was to bring in Canadian stuff to American ports.

Mr. BRIGGS. That is what I understand.

Mr. KIEFER. And I understand there is some provision in the law by which if they do that they are compelled to use the same number of men as the American. I do not know whether it is lived up to.

Mr. BRIGGS. They do not operate there.

Mr. KIEFER. The Canadians do not seek American business. They can get Canadian business.

Mr. BRIGGS. Have the rail rates interfered with the water business as far as you know, with the business of the ships? Have you heard any complaint about that?

Mr. KIEFER. I should think the increase in rail rates has benefited vessels because they have gone up at least double, all the way around.

Mr. BRIGGS. Have you heard anything to indicate that the cost of operating the ship has also increased correspondingly?

Mr. KIEFER. These same vessels, vessels of that type, could have been operated for \$15,000 or \$20,000, if you turn back to prewar prices.

Mr. BRIGGS. Do you think the added cost of \$5,000 per year for each of these ships was such as to put them out of business? In other words, the freight charges that we make would not have stood the increase so that they could have kept in operation. In other words, was that the sole cause of these vessels going out of business—this increase of \$5,000 a year?

Mr. KIEFER. There is no question of that. It is not simply an increase of five or six thousand dollars; \$5,000 or \$6,000 on \$30,000 is one-sixth or 16 $\frac{2}{3}$ per cent. I do not know what kind of business you are in or what you consider a fair profit, but any man that can keep going on 10 per cent profit in shipping or manufacturing thinks he is in clover, year in and year out.

Mr. BRIGGS. What I ask is whether or not this increased cost could not have been covered in the increase of rates or would the traffic have stood that?

Mr. KIEFER. The last two years you could charge anything and get away with it. We did not have any trouble and could pay \$1

or \$2 a cord as long as we could get it. To-day we are down to the point where we have got to conserve every last cent if we are going to live at all.

Mr. BRIGGS. How long ago did this condition arise of which you are speaking?

Mr. KIEFER. It has been going along two or three years that we have been operating under this law and paying that additional cost. They charged that to us and we paid that to them. They were fair enough to the vessel owners. To-day we find we can not pay that. They lay the cards on the table and say, "We can not operate any cheaper."

Mr. BRIGGS. Have they sought to raise their rates to cover these losses?

Mr. KIEFER. They did in the last two years; yes, sir; the rates went up. Before this seamen's law was in effect they were carrying pulp wood at \$2.50 a cord. Last year the rate was \$5 a cord, in some instances \$5.50, depending on the quarter from which it came.

Mr. HARDY. Is not that about the increase that every other work has undergone since 1915; work that you got anywhere for \$2 now costs \$5.

Mr. KIEFER. You could pay for it then.

Mr. HARDY. Without regard to the seamen's act, have you not paid double what you paid in 1915 for every other work?

Mr. KIEFER. Yes, sir.

Mr. HARDY. When that increased from \$2.50 to \$5 it was just keeping up with the rest of the procession, regardless of the seamen's act.

Mr. KIEFER. There is no question of it.

Mr. HARDY. One thing puzzles me a little bit, because it was suggested to another witness that the wage cost of the freighter was only 7 to 9 per cent of the total cost of that freighting, but you make it about——

Mr. KIEFER (interposing). Let us go into that specifically.

Mr. HARDY. Just one moment. Does this vessel that carries your wood carry any passengers?

Mr. KIEFER. No, sir; it is not a passenger boat.

Mr. HARDY. Nothing but freight?

Mr. KIEFER. Nothing but freight.

Mr. HARDY. And yet it, a thousand-ton vessel, has to have 17 men?

Mr. KIEFER. Seventeen men under this law.

Mr. HARDY. No passenger-carrying vessel?

Mr. KIEFER. These vessels have no passenger licenses and no passenger accommodations. They file no tariffs and are not common carriers and are known as tramps, lumber carriers.

Mr. HARDY. What per cent is the labor cost—60 per cent?

Mr. KIEFER. This is what the operators have figured out as their cost of operation this year; that is the lowest they can get down to, \$30,000, and I know one of these vessels cost \$40,000 to operate last year. The captain paid two wheelmen \$100 a month each, or \$6.66.

Mr. BRIGGS. Is that \$166.66 or \$100.66?

Mr. KIEFER. One hundred dollars a month. I do not know whether those are the rates they are going to get or not, but they say that is the lowest they will get, anyway. There are two of them making \$6.66—two lookouts at \$6.66 a day.

Mr. JEFFERIS. Six dollars and sixty-six cents each?

Mr. KIEFER. Three dollars and thirty-three cents each. Deckhands, \$5 a day for two of them, which is \$75 a month; two coal passers, the same; three firemen at \$100 each. That is \$10 a day. One second engineer, at \$5; first engineer, \$7.06, or \$212; cook, at \$5; assistant cook, \$2.50, or \$75. That makes a total wage scale on the boat \$69.88 per day, which you might call \$70, because there is some overtime, one thing and another.

Mr. CHINDBLOM. Are those union-scale wages?

Mr. KIEFER. I do not know.

Mr. HARDY. How many months during the year do they operate?

Mr. KIEFER. Seven months. You can figure it is going to cost \$1.20 to feed these men per day. In other words, three meals a day at 40 cents apiece is as good as you can do.

Mr. HARDY. You have got this per diem charge. Does that mean Sundays included?

Mr. KIEFER. Absolutely; pay the same wages on Sunday as any other day.

Mr. HARDY. So it is 30 or 31 days a month.

Mr. KIEFER. And have to feed them on Sunday. They do not go hungry on Sunday.

Mr. BRIGGS. Speaking about freight conditions, is it true that in the paper industry there has been an unusual demand for wood pulp in the last year from every source available in order to supply the shortage of paper in the United States?

Mr. KIEFER. There was, is you want to put it that way, a bull market last fall and a bear market now. Whether the demand was real or fancied is hard to determine at any time. There was a big buying market. I do not believe the consumption was any greater last fall than to-day.

Mr. BRIGGS. All the wood pulp that could be imported into the United States was being imported from every source?

Mr. KIEFER. Absolutely.

Mr. BRIGGS. The paper mills in spite of that were working at capacity and unable to supply the demand for paper in the United States. Is that correct?

Mr. KIEFER. They supplied the demand. There was no shortage of paper.

Mr. BRIGGS. The Public Printer here seemed to think there was quite a shortage. They talked considerable of it.

Mr. FREE. That is on account of the Congressional Record.

Mr. KIEFER. It seems strange to any line of business that all of a sudden there is a great shortage where the same manufacturing capacity exists and only the same number of people in the country absorbing it.

Mr. BRIGGS. I know Members of Congress were getting letters from country newspapers and so forth that they would have to close down their plants; there was such a shortage they would have to close down their plants.

Mr. KIEFER. Some of the newspapers have got paper stocked up that they will not use until next summer.

Mr. BRIGGS. You do not mean the country press because they did not have the capital to invest.

Mr. KIEFER. The big metropolitan papers when they see a rising market go in and buy.

Mr. BRIGGS. In the coal situation, is there also business for hauling wood pulp in cargo carrying?

Mr. KIEFER. It is pulp wood they carry and not wood pulp.

Mr. BRIGGS. That is used by the mills that convert it into pulp after they get the wood and that goes into the manufacture of paper?

Mr. KIEFER. Yes.

Mr. BRIGGS. Was it not true that at this time all the vessels that could be kept in that service were being utilized for such purposes, hauling all they could get?

Mr. KIEFER. Last fall?

Mr. BRIGGS. Yes.

Mr. KIEFER. Last fall we had all the boats that were available in that service. There was no question about that. You did not care what you paid.

Mr. BRIGGS. In other words, they could get the profit they wanted for hauling it?

Mr. KIEFER. Absolutely.

Mr. BRIGGS. Was it not true that there was a pretty good trade in the coal trade about that time?

Mr. KIEFER. Coal was a difficult proposition last fall.

Mr. BRIGGS. From the beginning of the year.

Mr. KIEFER. The coal trade is profitable to vessels. There was not the coal to be had.

Mr. BRIGGS. No coal to be had?

Mr. KIEFER. No, sir.

Mr. BRIGGS. They did not get enough cargo on that to load capacity.

Mr. KIEFER. They did not get cargo on coal at all. This class of boats went out of service early last fall on account of the coal shortage.

Mr. BRIGGS. What did they do in the spring or summer, a pretty good business?

Mr. KIEFER. This spring or summer?

Mr. BRIGGS. 1920.

Mr. KIEFER. In 1920 the coal situation was very tense that year as far as getting cargoes of coal was concerned. Take the 10,000-ton fellows, they were always favored at the lower dock. The smaller so-called river steamers, lumber carriers, that we are talking about did not get good service there.

Mr. BRIGGS. They did not get the business?

Mr. KIEFER. No; no use of going down there with that little boat. The big 10,000-ton boats got the business every time, as they are easier to handle at the docks, and there is every reason why the railroad loading docks favor the larger boats.

Mr. FREE. You gave figures that show the relative proportion of labor cost in the operation of these boats?

Mr. KIEFER. Yes. I gave you a record there of a cost of \$70 for the labor cost.

Mr. FREE. Coal and so forth?

Mr. KIEFER. Your provision cost will run at least \$20 a day for those 17 men; multiply that by 210 days—\$18,900 or \$19 000. Your

fuel will cost you \$6,000; ship repairs \$2,000 a year, if you can get away with it on that. You could not during the war, but that is near normal; every time you went to a shipyard with your boat, \$2,000 to put in two or three sticks. Engine repairs cost \$500; insurance at 15 per cent, \$2,250; stores and supplies, \$1,000; and fitting up, and laying up, winter moorings, another thousand dollars.

Mr. BRIGGS. Have you any assurances that if the length of the season should be extended that these vessels would be put back into operation?

Mr. KIEFER. What kind of vessels?

Mr. BRIGGS. The ones you are talking about.

Mr. KIEFER. With these bulk freighters the law does not concern them with their length of season. They can operate as early as ice will permit and as late a time.

Mr. BRIGGS. You are concerned with getting a reduced number of seamen on the boat?

Mr. KIEFER. The same amount as before the law went into effect. These extra men we claim are useless.

Mr. DAVIS. Why do these boats operate only seven months out of the year?

Mr. KIEFER. That is about the length of time that lumber carriers are able to operate. As far as pulp wood is concerned, that is loaded in and out of water. By the time snow flies the smaller boats want to get off. The length of time for a vessel is eight months at best, and that is on the big steel ore carriers coming down with ore, great big 10,000-ton vessels. After December smaller vessels will take runs across the lake. Their season is seven months, 210 days.

Mr. BRIGGS. Where is this traffic that used to be on these big steamers going now—by rail?

Mr. KIEFER. In our particular locality the stuff originating at Port Huron has to travel by rail, either electric or freight. There is considerable objection to it, but it is still moving. Further up the shore there is nothing, and it has simply ceased. Some of the river towns have neither rail nor electric, but they have packer freight and electric service, but not freight cars; it is by interurban cars which can handle some packer freight.

Mr. BRIGGS. How does the cost of rail transportation on such freight compare with water transportation?

Mr. KIEFER. Water transportation is cheaper. The rail rate at the present time on that class of goods would run about 16 cents a hundred for 60 miles into Detroit; the rate on a vessel would be 12 cents.

Mr. BRIGGS. Four cents into Detroit. Is that based on the charge you referred to of \$5 a ton?

Mr. KIEFER. The charge that I was talking about before was on these bulk freighters. The bulk freight moves considerable distances, but figured down to the cost basis on this operation—

Mr. BRIGGS (interposing). What is this you are referring to now?

Mr. KIEFER. You asked me about the packer freight and I was trying to answer you on vessels operating so-called passenger freights. They have published tariff rates. The bulk freighters have not published tariff rates, and operate simply on cost-plus profit basis.

Mr. BRIGGS. That is about \$5 a ton that you spoke about.

Mr. KIEFER. The cost of operating a vessel under this law is about \$1 a cord, \$4,000 on \$30,000 cost.

Mr. FREE. From what kind of wood do you make your pulp?

Mr. KIEFER. Spruce.

Mr. MACLEAN. Mr. Chairman and members of the committee. I am glad you were so much interested in the testimony given by the last speaker. I did not anticipate you would keep him as long as you did, and I was hoping to complete our testimony this afternoon, which will not now be possible. I would like to have the indulgence of this committee until noon to-morrow.

Mr. SCOTT. I am anxious to meet the suggestion of the committee and to go ahead at 10 o'clock to-morrow morning.

The CHAIRMAN. Yes.

(Thereupon, at 5 o'clock p. m., the committee adjourned to meet at 10 o'clock a. m., Tuesday, May 3, 1921.)

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Tuesday, May 3, 1921.

The committee met at 10 o'clock a. m., Hon. William S. Greene (chairman) presiding.

The CHAIRMAN. You may proceed.

Mr. MACLEAN. Mr. Chairman and members of the committee, as representatives of boards of commerce on the Great Lakes we are thoroughly interested in shipbuilding. Because ships upon the Lakes can not be run profitably, there is no demand for new ships, and for that reason our shipyards are closed. I would like you to hear this morning from a man who represents the shipbuilding interests in the sense he is a shipbuilder, and he is also here as the delegate of the Board of Commerce of Wyandotte, Mich. I would like to call on Mr. John G. Liddle, of Wyandotte.

STATEMENT OF MR. JOHN G. LIDDLE, WYANDOTTE, MICH.

Mr. LIDDLE. Mr. Chairman and gentlemen, as Mr. MacLean says, I am a representative of the Board of Commerce of Wyandotte, and also an experienced and working shipbuilder. I have worked in the shipyards in Wyandotte for many years. My father and brothers are also shipbuilders. Since the Wyandotte shipyard was established in the year 1871, it might be queer to say it, but the shipyards never ran without a man by my name as an employee—my father, down through all the sons and the relatives.

The shipyard has built almost all of the finest floating palaces that float on the Great Lakes, namely, the Detroit and Cleveland steamers and the C. and B. steamers—Cleveland and Buffalo. The steamers are recognized as the largest and finest passenger steamers in the world. We have also built other passenger boats, namely, several of the White Star Line which ply out of Detroit, between Detroit and Toledo, and also the Put in Bay steamers. We are all very proud of these steamers at Detroit. It makes it very pleasant for anyone living in the neighborhood or vicinity to go down to the docks and take these beautiful palaces for the different ports on the Lakes. We have more places of amusement to go to on these

steamers than any place on the Lakes. You take these boats for Port Huron, going through the Venice of America, namely, St. Claire Flats. Along these flats are located hundreds of beautiful summer resorts, extending from the clubhouse at the beginning of the canal to Port Huron. The other end of the destination of these ships is down south from Detroit to Toledo, Sandusky, and Put in Bay. They are also summer resorts.

Another destination that these steamers ply between is Detroit and Buffalo, namely, the C. & B. Line. Many a traveling man from the West takes these beautiful palaces from Detroit to Buffalo on his way to eastern ports in preference to taking the rail. The Detroit and Cleveland boats ply between Detroit and Cleveland. This line is also taken in the summer time by many traveling men in preference to the rail.

The steamers known as the Mackinaw Line ply between Detroit and Mackinaw. This is also another splendid summer resort—one of the most beautiful summer resorts on our Lakes.

Our people in Wyandotte——

Mr. SCOTT. I do not want to interrupt you, Mr. Little, but I think the committee would be particularly interested in the number of shipyards you have, the number of ways, and things of that character.

Mr. ROSENBLOOM. Mr. Scott, right along that line, so far as I am concerned, I would like to hear about the effect of this act on shipbuilding, for instance. As to these other matters, I think it is conceded these ships are out of business, and it is a disadvantage; but what I would like to hear from this gentleman is right on the point of the effect of the seaman's act on this situation.

Mr. JEFFERIS. And the necessity for this relief.

Mr. LIDDLE. I might also say we have built at Wyandotte a large number of freight steamers and ferryboats of all kinds. The freight proposition on the Lakes is near to an end, as far as shipbuilding is concerned. They have now about 365 large freighters on the Lakes between 400 feet and 600 feet long. I believe that these freighters will be able to take care of the traffic on the Lakes in the grain, iron-ore, and coal trade for some time, which will confine our shipyards at Wyandotte to the passenger business. They have not built any passenger boats at Wyandotte for about five years. I believe that the owners of the passenger boats were contemplating making additions to their fleets before the war came on and the seaman's bill. When the war came on the yard was turned over to the Government. During the war we built more boats for the Government than any other yard on the Lakes. The number was about 58.

Mr. BANKHEAD. Were those steel vessels or wood, many of them?

Mr. LIDDLE. They were all steel, sir.

Mr. BRIGGS. About what tonnage were those vessels?

Mr. LIDDLE. The tonnage I am unable to tell you at this time, but I can tell you the length of them. They were 261 feet. You could not build them any longer, because they could not go through the canals.

Mr. CHINDBLOM. For what service were they built?

Mr. LIDDLE. They were built for the carrying of grain, coal, or any kind of freight that the Government cared to handle—bulk freight, I should say.

Mr. HARDY. I thought you were talking about passenger ships.

Mr. LIDDLE. Yes, sir.

Mr. FREE. Are those vessels in commission now?

Mr. LIDDLE. I want to explain the reason why we have not built passenger steamers in the last five years.

Mr. FREE. Where are those vessels now that the Government built during the war?

Mr. LIDDLE. They are now down on the coast. They left Wyandotte as they were finished and were taken down on the coast.

Mr. BRIGGS. Are those vessels what are commonly known as the Lake steamer type of vessel used by the Shipping Board?

Mr. LIDDLE. Yes, sir.

Mr. BRIGGS. About 2,500 tons; 1,800 and 1,500 dead weight.

Mr. LIDDLE. Something about that.

Mr. CHINDBLOM. Were they of a uniform type; standard type?

Mr. LIDDLE. Yes, sir. While these boats were under construction our shipyard launched one on an average of every eight days. Now the time has come when we believe our shipyard will have to depend on the passenger service. These boats take a long time to build; they cost a very large amount of money, and the consequence is they make a lot of work for the shipbuilders.

I might say that the port of Detroit is somewhat different from other ports as far as the passenger business is concerned. We have very large automobile industries there and they are growing all the time, bringing people to Detroit, and I believe that if conditions were such that these boats could run we would have a lot of contracts for passenger steamers in the future.

Mr. HARDY. Would you mind my asking you right there: When did you finish the last passenger steamer? You said you had built none in the last five years.

Mr. LIDDLE. I can not tell you the exact date.

Mr. HARDY. Can you get it for us and put it in the hearings?

Mr. LIDDLE. Yes, sir.

Mr. HARDY. What I want to know is when you delivered it and when you contracted for it—the last one?

Mr. SCOTT. How many yards have you at Wyandotte?

Mr. LIDDLE. We have 10 berths and built 10 boats at a time during the war.

Mr. SCOTT. What is the nearest other yard?

Mr. LIDDLE. The Great Lakes Engineering Co. is 6 miles north of Wyandotte.

Mr. SCOTT. How large are they?

Mr. LIDDLE. They have eight stocks, a capacity for eight ships at once, and also a large floating dry dock to accommodate any boat on the lake.

Mr. SCOTT. How many ships are you building at the Wyandotte plant now?

Mr. LIDDLE. There are none building at the Wyandotte plant now, sir. The gates are practically closed and have been for some time, and we want to open them up again.

Mr. SCOTT. For how long have they been closed?

Mr. LIDDLE. They have been closed since last fall. I think since about October.

Mr. SCOTT. In normal times, how many men do you employ in the yards at Wyandotte?

Mr. LIDDLE. In normal times—that depends on how many boats we have on the stocks at a time. One boat will employ between four and five hundred men.

Mr. SCOTT. How many boats are the Great Lakes Engineering Co. building at the present time?

Mr. LIDDLE. They are not building any at the present time. They just launched a boat about two weeks ago for Horace Dodge, which is a pleasure yacht. This boat is just about completed. They have no future contracts, to my knowledge.

Mr. BANKHEAD. How many berths were there at the Wyandotte yard before the war?

Mr. LIDDLE. Sir?

Mr. BANKHEAD. How many berths or ways did they have at the Wyandotte yard before the war broke out?

Mr. LIDDLE. We had ways enough there for eight boats.

Mr. FREE. You had eight ways before the war, and along in 1913, say, how many boats were you building?

Mr. SCOTT. That is eight years ago.

Mr. NEWMAN. In response to the question a moment ago, I can give you the information right now. I think the last boats built by the gentleman's firm was for my company. She was contracted for in 1912 and completed and turned over to us in June, 1913. I think she was the last commercial passenger boat built.

Mr. HARDY. Contracted for in 1912 and turned over in 1913?

Mr. NEWMAN. Yes, sir; I believe that will complete the record.

Mr. HARDY. What is the name of your firm?

Mr. NEWMAN. The Cleveland & Buffalo Transit Co. The name of the boat is the *See-and-Bee*.

Mr. FREE. What I would like to get at is what was your normal construction prior to the war? In other words, were you building one, two, or five boats a year?

Mr. LIDDLE. That would depend on the circumstances. Sometimes we would have one boat on the stocks and at other times we would have two or three or four. A shipyard does not always have all the ways filled.

Mr. SCOTT. But your yards were always going prior to the war?

Mr. LIDDLE. Yes. In answer to that question, I might say at intervals—and I will tell you why I say that—on the Lakes steamers are contracted for so as to start them in the fall of the year and to have them ready for the spring season. The consequence is that about the 1st of June, or, I will say the 15th of June, until along about the 1st of September, it sometimes is our dullest season in shipbuilding on the Lakes.

Mr. SCOTT. Has your company any contracts for future construction at the present time?

Mr. LIDDLE. No, sir.

Mr. BANKHEAD. Mr. Liddle, we would like to have you state, if you have any opinion upon it, how the passage of this pending resolution would affect the shipbuilding trade.

Mr. LIDDLE. I know so.

Mr. BANKHEAD. How would it have that effect?

Mr. LIDDLE. Because the seaman's act has made things so that the owners of the boats can not run them at a profit, and any man who can not do business at a profit will be compelled in a short time to quit the business. If the boats are lying at the dock instead of being in commission and making money, I feel very certain that the owners will not build any more boats until they have the boats they have already built busy.

Mr. FREE. Mr. Liddle, can you give us any idea as to the additional expense in operating, for instance, a passenger boat? We have testimony here, and perhaps Mr. Maclean is going to present the testimony——

Mr. SCOTT. Are you an operator, Mr. Liddle?

Mr. LIDDLE. No.

Mr. FREE. You see my idea?

Mr. SCOTT. I understand, and we intend to present all that.

Mr. LIDDLE. I believe, in answer to your question, some of the other gentlemen coming on after me will be better able to answer that than I will.

Mr. BRIGGS. Mr. Liddle, where are all these vessels you constructed in the last four or five years? Have they been put into service? They are not on the Lakes, are they? They were not steamers to be used on the Lakes, but in the coastwise trade?

Mr. LIDDLE. They were built for the Government and are down here on the coast.

Mr. BRIGGS. When was the last steamer you built for use on the Lakes constructed?

Mr. LIDDLE. Do you mean for the Government?

Mr. BRIGGS. No; I mean for anybody—that your shipyard constructed for use on the Lakes, freight or passenger, it makes no difference.

Mr. LIDDLE. Why, we built two freighters last fall, or last summer, rather, of the 600-foot class. Those were the last two boats.

Mr. BRIGGS. Have you any under contract now?

Mr. LIDDLE. No.

Mr. BRIGGS. When were the last passenger vessels constructed that you built for service on the Lakes?

Mr. LIDDLE. This gentleman, Mr. Newman, just answered that question.

Mr. BRIGGS. I am speaking about your concern. That is not your concern, is it?

Mr. LIDDLE. The boat he refers to was built at our yards.

Mr. BRIGGS. Oh, I see; it was built at your yards. Did you ever have much building before 1915, much boat building, for service on the Great Lakes? This last steamer referred to here by this gentleman——

Mr. LIDDLE. That was the last passenger ship.

Mr. BRIGGS. That was the last passenger ship. Did you have any freighters after that time up to 1915?

Mr. LIDDLE. Oh, yes.

Mr. BRIGGS. How many, approximately?

Mr. LIDDLE. I can not tell you the exact number, but I would say about six a year, not being absolutely certain, for the year previous to

the war. Some of these boats, I believe, were built by the Hall Coal Co. I think those were the last boats.

Mr. BRIGGS. Were they of about the same capacity as those freighters you have just constructed?

Mr. LIDDLE. Yes, sir; about 261 feet long.

Mr. BRIGGS. About what tonnage?

Mr. LIDDLE. The tonnage I am unable to tell you, because I do not pay any attention to that.

Mr. BRIGGS. You do not know the character of those ships?

Mr. LIDDLE. I am not a naval architect, nor am I a ship engineer. I am a little shipbuilder.

Mr. BANKHEAD. Do you know how many of those 365 vessels built on the Great Lakes were put into service after we got into the war?

Mr. LIDDLE. After we got into the war?

Mr. BANKHEAD. Yes; since April, 1917.

Mr. LIDDLE. I could not answer the question as to how many.

Mr. BANKHEAD. Where can we get that information?

Mr. LIDDLE. Where could I get the number?

Mr. BANKHEAD. Yes; that were put into service.

Mr. LIDDLE. I do not know.

Mr. HARDY. You mean we built six freight ships the year before we got into the war?

Mr. LIDDLE. Yes; I think that was about the number. There might have been more.

Mr. HARDY. When was that—1916?

Mr. LIDDLE. Somewhere about that time.

Mr. BRIGGS. Those ships were built for private concerns?

Mr. LIDDLE. Yes; and fetched down here to New York and sold to the Government and probably went in the war service for the Shipping Board. I think some of them were sent to France, or over to the old country.

Mr. SCOTT. In order that there may not be any confusion in the record the witness has said the last freight ships, as he remembers it, were built for the Hall Co. The committee will recall the Hall Co. are operators on Lake Ontario, and these are coal ships.

Mr. HARDY. What I want to get at is how many ships they have built from year to year. As I understand, the last ship was built last summer.

Mr. BANKHEAD. The purpose of my question is to determine what proportion of the existing tonnage on the Great Lakes was put in under the stress of war emergency and what proportion of it was for normal business before the war.

Mr. SCOTT. As I remember the witness's testimony he testified his concern built in years past, prior to the war, approximately 365 ships.

Mr. LIDDLE. No; excuse me. I say there are 365 freight steamers on the Lakes. The number of ships our company has built is about 290.

Mr. BRIGGS. Within what period of time, Mr. Liddle?

Mr. LIDDLE. Why, since the yard was established.

Mr. BRIGGS. What date was that?

Mr. LIDDLE. The yard was established in 1871, but——

Mr. BRIGGS. How many of these vessels have been built since the war?

Mr. LIDDLE. How many have been built since the war?

Mr. BRIGGS. Yes.

Mr. LIDDLE. Freighters?

Mr. BRIGGS. Yes.

Mr. LIDDLE. Two.

Mr. BRIGGS. I mean since the war began; how many ships have you constructed of that number—that two hundred and some odd?

Mr. LIDDLE. Do you mean for the Shipping Board?

Mr. BRIGGS. Yes; for the Shipping Board or others.

Mr. LIDDLE. Well, I said a few moments ago that our yard built, I think it was, 58 boats during the war period.

Mr. BRIGGS. Fifty-eight during the war period?

Mr. LIDDLE. Yes.

Mr. BRIGGS. That is, from the time the war started in 1914?

Mr. LIDDLE. That was for the Government.

Mr. HARDY. You built that many for the Government?

Mr. LIDDLE. Yes. I am pretty sure that that is the number.

The CHAIRMAN. You can furnish that detail, naturally?

Mr. LIDDLE. Yes, sir.

Mr. HARDY. I wish, for the benefit of the committee, to cover the question asked by Mr. Briggs, you would furnish a tabulated statement of the vessels you have built since 1912, and including 1912, each year, and whether for the Government or private owners—passenger and freighters.

Mr. LIDDLE. I can get that for you.

Mr. HARDY. Suppose you go back to 1910.

Mr. ROSENBLOOM. Are there any other ways on the Lakes that are large builders of boats?

Mr. MACLEAN. If the committee desires, I have just noticed another shipbuilder who has come in, and he can probably throw some further light on this subject.

Mr. CHINDBLOM. Mr. Chairman, let me suggest, instead of this statement with reference to this one private concern, if we could get a general statement showing the shipbuilding activities on the Great Lakes for the last 10 years, including all shipbuilders on the Great Lakes, that would be of some value.

Mr. ROSENBLOOM. For each year, the completion by the different yards.

Mr. LIDDLE. I might say, in answer to that question, you can get that data from the Marine Review. If you will have your secretary write to the Marine Review, they will give you the information.

Mr. HARDY. I want to know when the ships were begun and when they were completed.

Mr. LIDDLE. The Marine Review can give you all that information.

Mr. BRIGGS. You do not know how many of those vessels built during the war are now idle or in operation?

Mr. LIDDLE. I could not say; no. You see, I live at Wyandotte, and these boats are down on the coast.

Mr. HARDY. Have your yards offered to build ships at prices much cheaper than the going tonnage price here a few years ago?

Mr. LIDDLE. I could not answer that question, because I am not one of the directors or officials of the shipbuilding company. I am a workingman.

Mr. HARDY. Do you know anything about prices?

Mr. LIDDLE. No, sir.

Mr. JEFFERIS. Do you know whether or not those 365 large freighters are being utilized for freight purposes now pretty generally or not?

Mr. LIDDLE. This is early in the season, of course, and they are not all at work.

Mr. ROSENBLOOM. Did they work last season?

Mr. LIDDLE. Yes; they worked pretty well last season.

Mr. JEFFERIS. Are they affected by this seaman's act the same as these passenger boats or not?

Mr. LIDDLE. I do not believe they are.

Mr. JEFFERIS. Do you know about it yourself, or is that just an opinion you have?

Mr. LIDDLE. Oh, well, the seaman's act, as I understand it, was practically confined more to the passenger service than to the large freighters, on account of the number of people that are carried on the passenger ships.

I want to say one thing more; I want to call the attention of the committee to the time of service that some of the passenger boats on the Lakes are in commission. Some of them are only in commission about 10 weeks; the balance of the time they are tied up to the docks.

Mr. ROSENBLOOM. How long has that been the condition, Mr. Liddle?

Mr. LIDDLE. Why, people going to the summer resorts, you know, go from about the 15th of June until the 1st of September.

Mr. ROSENBLOOM. That has been general throughout the last 10 years, then?

Mr. LIDDLE. Yes, sir.

Mr. ROSENBLOOM. That has not come about by reason of the seaman's act, then, has it?

Mr. LIDDLE. I won't say that covers all the passenger boats.

Mr. ROSENBLOOM. But the ones you refer to, that has been true for a good many years?

Mr. LIDDLE. Some of the vessel owners here can probably explain that to you better than I can.

I might say, Mr. Chairman, I have a copy of a telegram here from my home town, Wyandotte, Mich., dated April 30, addressed to Hon. William S. Greene, chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D. C.:

DEAR SIR: We heartily approve and fully indorse the amendment to sections 2, 13, and 14 of the La Follette seaman's law. It is a vital question to this district, particularly this city, on account of our shipping industry. We will appreciate your utmost support in the adoption of this amendment.

Very truly, yours,

JAMES G. KINGSTON,
Secretary-Manager.

Mr. MACLEAN. Mr. Chairman, Mr. James E. Davidson, Bay City, has just come in. I do not know whether he is prepared to make a statement or not. Mr. Davidson is one of the representative shipbuilders on the Great Lakes.

STATEMENT OF MR. JAMES E. DAVIDSON, BAY CITY, MICH.

Mr. DAVIDSON. I want to state to the committee that I am not financially interested in the Detroit & Cleveland Steam Navigation Co. or in a company that owns the passenger steamers running from

Cleveland to Buffalo or on any other route. We are primarily interested in Michigan, in seeing that the points on the Lake Huron coast receive passenger service. It is important for them to have this service for the reason that it enables our farmers and our manufacturers on the Lakes to avail themselves of the lowest possible freight rates; also the lowest possible passenger rates.

MR. ROSENBLOOM. Just a moment. I do not like to interrupt you, but will this gentleman be able to give us any light on the subject as to the operation of this seaman's act, financially on this shipping, as well as the relief that is requested in this amendment? We are pretty well satisfied they need this freight service and passenger service and that it is important to the shipbuilders and all that. Will we get something different?

MR. SCOTT. I think he will give it all to you. He is a business man and does not waste words.

MR. ROSENBLOOM. Does he know the financial condition of the companies asking for this relief; how much money they have made, how much they have lost, and how much additional expense this act adds to their operation? I think I voice the sentiment of the committee in that question.

MR. SCOTT. We can not get it all in at one time. We have started on the shipbuilding end of it to show how their business has decreased, and Mr. Davidson is entirely familiar with all the shipbuilders on the Lakes.

MR. ROSENBLOOM. Is he a shipbuilder himself?

MR. SCOTT. He is a shipbuilder himself and his father and his family for years before him.

MR. DAVIDSON. I am vice president of the American Shipbuilding Co., and we built 209 vessels for the emergency fleet.

MR. FREE. What did you say was the name of your company?

MR. DAVIDSON. The American Shipbuilding Co.

MR. BRIGGS. What size vessels were those?

MR. DAVIDSON. The largest size to go through the Welland Canal is 261 feet at the keel and 43 feet 6 inches beam.

MR. BRIGGS. Of what tonnage?

MR. DAVIDSON. The tonnage of those ships varied from 3,000 to 4,000 gross tons.

MR. BRIGGS. Do you know where those ships are now in service?

MR. DAVIDSON. They are down on the coast.

MR. BRIGGS. They are for sea service?

MR. DAVIDSON. They are all down here on the coast now.

MR. BRIGGS. They were built for sea service not for lake service?

MR. DAVIDSON. Yes; they were built for the Emergency Fleet—for the Government.

MR. BRIGGS. I understand, but not for operation on the Great Lakes?

MR. DAVIDSON. No; not for operation on the Great Lakes. Now, I am stating that as a preliminary to the matter that I also want to bring up. I am also interested in the smaller type of ships as owner, and while I feel that some aid should be given to the passenger lines to enable them to operate, yet at the same time I feel that some aid should be given to the smaller type of ships. I am interested

particularly in wooden ships of the 3,000-ton type. In 1895, we will take a ship of the *Sacramento* type, 3,000 tons——

Mr. BRIGGS. Steel or wood?

Mr. SCOTT. Wood.

Mr. DAVIDSON. In 1895 the *Sacramento* was built. The *Sacramento* at that time represented the modern ship, and we built about 50 of those ships. In 1895, when that ship came out, and during the succeeding years up to 1908, the *Sacramento* was operated by a crew of 15 men. In 1920, the same ship, under the provisions of the La Follette law, was required to carry a total number of crew of 23 men, showing an increase of over 50 per cent. Now, I have here the inspection certificate of the *Sacramento* from the period of 1908 and also the inspection certificate issued by the Government in 1920. The *Sacramento*, as I said, carries 3,000 tons. She is available for the general trade that is not called upon, and for which the larger ships could not be used.

I also want to state that shipbuilding, as far as wooden ships are concerned, on the Great Lakes, is obsolete. No wooden ships are being built at this time and have not been built for the last 10 years. Steel has replaced wood and the larger ships at the present time are built of steel and they carry all the way from 9,000 up to 13,500 tons gross. And the matter in which I am primarily interested is the smaller type of vessel. I would like to ask your committee to consider the aid that you can offer us, so as to permit us to operate these ships.

Mr. JEFFERIS. Why is it you can not operate? Has the competition with the railroads something to do with it?

Mr. DAVIDSON. No; not competition with the railroads. We operate them in out-of-the-way ports where large ships would not be available, and we do not meet with the railroad competition.

Mr. JEFFERIS. You spoke of aid; what do you mean?

Mr. DAVIDSON. I mean by that, fixing the number of crew that we should carry aboard those ships, to modify your act, bearing in mind that the total number of crew to operate those ships was 15 men, and 15 man had always operated them until the La Follette law went into effect, and now you compel a crew of 23.

Mr. ROSENBLOOM. When this ship was commissioned it operated with 15 men?

Mr. DAVIDSON. Yes.

Mr. ROSENBLOOM. What business was she engaged in; freight and passenger, or just freight?

Mr. DAVIDSON. No passengers on these ships. These are common freighters.

Mr. ROSENBLOOM. And she was still a freighter when the requirements for the crew were made 23?

Mr. DAVIDSON. Yes.

Mr. FREE. What do the additional men do?

Mr. DAVIDSON. They do not do anything.

Mr. ROSENBLOOM. Can you give us the titles of the additional eight men? Are they freight handlers, watchers, or what?

Mr. DAVIDSON. For instance in 1908, there was a master and pilot, then two pilots, two engineers, three firemen, seven of the deck crew, making a total of 15. Under the present law, there is one master,

one mate, one second mate, three wheelmen, one marksman, one chief engineer, one second engineer, two cooks, three oilers, three firemen, three coal passers, and three deck hands.

Mr. FREE. Mr. Davidson, how many more hours per day would the 15 men have to work than the men work now with 23?

Mr. DAVIDSON. Under the 15 crew there were 6-hour periods, 6 hours on and 6 hours below. I think under this arrangement there are 3-hour periods. I might be corrected as to this.

Mr. ROSENBLOOM. As a matter of fact, then, it has amounted to putting in effect an 8-hour day as against a former 12-hour day; is that correct?

Mr. DAVIDSON. I think that is correct. In other words they worked six hours at a time, six hours on and six hours off, and the other arrangement——

Mr. ROSENBLOOM. Makes it an 8-hour day instead of a 12-hour day?

Mr. DAVIDSON. Yes.

Mr. FREE. Would they be on duty continuously or would they be in port any of the time?

Mr. DAVIDSON. Those ships are in port a great deal of the time.

Mr. FREE. The way it works out, how many hours a day would a man work where you had 15 men in the crew?

Mr. DAVIDSON. They do not do any work in the port.

Mr. FREE. How much of the time are they in port?

Mr. DAVIDSON. Those boats are in port more than the big bulk freighters, because they have to handle cargoes that are not quick handling. For instance, last year and this year the *Sacramento* is loading pulp wood. It takes several days to load a cargo of pulp wood and unload. During that time the crew does not load or do anything.

Mr. JEFFERIS. The crew does not load the pulp wood?

Mr. DAVIDSON. The crew has nothing to do with handling cargo. That is all handled by stevedores and outside labor.

Mr. DAVIS. In the ordinary traffic on the Lakes, under your system, about how many hours per week were those crews required to work?

Mr. DAVIDSON. They would simply work—when I am talking about six hours on and six hours off I am talking about when the ship is in operation, not when she is in port.

Mr. DAVIS. What would be the approximate average for the week of work hours for the crew?

Mr. DAVIDSON. I would not want to guess on that. I would have to have a little time to figure that out. And when they are in port the crew is not called upon to do anything except perhaps shifting. They might handle the lines and shifting at the dock, but outside of that they do nothing in regard to handling cargo. If he is a watchman, he would stand watch a while, and if he was a fireman he would fire the boilers, and the coal passer would pass the coal, and the engineers would stand their watch.

Mr. SCOTT. How long a run do you make?

Mr. DAVIDSON. The run with our boats is slow. It takes six or seven days to run down. The steel freighters—the large boats—make a little better time than that—a great deal better time.

Mr. BANKHEAD. As I understand it, you want absolutely to restore the old system of operation, before the passage of the seamen's act, affecting the number of the crew and the work hours?

Mr. DAVIDSON. No; that is not it. I want you to consider—I do not ask you to do just exactly what I would like to have you do, but I would like to have you modify this act so that we can carry a less number of men.

Mr. BANKHEAD. How many less?

Mr. DAVIDSON. I should say to put that up to a maximum of 18.

Mr. BANKHEAD. What would those 3 additional men include: what men would they include that were not in the old 15-man crew?

Mr. DAVIDSON. For instance, you might put in an oiler, say, with the engineers.

Mr. BANKHEAD. That would only be one; that would make 16. What other two would you propose to put in?

Mr. DAVIDSON. The other two you might put in the deck crew.

Mr. BANKHEAD. And restore the 12-hour system of labor?

Mr. DAVIDSON. That would be the 12-hour system; yes. Six on and six off.

Mr. FREE. What is the system on the Canadian boats? Do they have the 12 or the 8 hour system?

Mr. DAVIDSON. I could not answer; I am not familiar with that.

Mr. DAVIS. Have you any objection to the requirements in the seamen's act in regard to living conditions.

Mr. DAVIDSON. No.

Mr. DAVIS. As I understand, your sole objection as to the requirements is to the number of the crew?

Mr. DAVIDSON. Yes, sir.

Mr. SCOTT. Do you not think it would be well to state to the committee that the forward crew even now work six hours on and six hours off?

Mr. DAVIDSON. Yes; the forward crew even to-day work six hours on and six hours off.

Mr. DAVIS. You mean under the present law?

Mr. SCOTT. Yes; under the present law they work six on and six off.

Mr. DAVIDSON. Now, the most important thing, not only for the vessel interests, I want to direct your attention now, is the fact we must have some relief so that we can get service in northern Michigan. As I said before, I am not financially interested in these companies, but I am indirectly interested in the prosperity of northern Michigan.

Mr. SCOTT. The committee would be glad to have any information regarding shipbuilding conditions around the Great Lakes, Mr. Davidson.

Mr. ROSENBLOOM. I imagine that report we are to get will cover that—showing the building there since 1910.

Mr. SCOTT. That is only in one yard.

Mr. ROSENBLOOM. No; we have asked for it for the whole region.

Mr. SCOTT. From the Marine Review. That will give it very completely.

Mr. DAVIDSON. I have heard a question asked about the number of ships constructed since 1910.

Mr. SCOTT. Yes.

Mr. DAVIDSON. I would state that that data can be obtained from the Bureau of Navigation right here in Washington. The shipbuild-

ing on the Lakes is dull; there are no new ships being built now of any kind in any yard.

Mr. ROSENBLOOM. There are no cars being built, nor houses nor anything else right now.

Mr. DAVIDSON. Oh, there are houses being built.

Mr. DAVIS. That condition regarding shipbuilding is prevalent throughout the world, is it not?

Mr. DAVIDSON. Not entirely. You will find there are ships being built, and houses being built, and other lines of industry going on. And I want to state this regarding the passenger business, that there have been no passenger boats built for some time, and if there could be some encouragement given I know in two or three instances where we could figure on getting new passenger tonnage to build, providing the conditions warranted so that they could operate at a profit.

Mr. FREE. If the crew is reduced from 23 to 18, as you suggest, what difference in money would that make in the operation of your boats?

Mr. DAVIDSON. That would make a difference of about \$6,000 a season.

Mr. BANKHEAD. Mr. Davidson, are there enough passenger boats in commission now on the Great Lakes to adequately and comfortably fill the requirements at the present time?

Mr. DAVIDSON. No; there are not.

Mr. BRIGGS. Mr. Davidson, do you operate any other vessels than those of this one company you speak of—the Great Lakes Transit Corporation, or anything like that, are you interested in that?

Mr. DAVIDSON. Yes. I am interested in the Great Lakes Transit Corporation. I forgot that. We operate three passenger ships in that corporation.

Mr. BANKHEAD. How long have you been operating those passenger vessels?

Mr. DAVIDSON. Ever since the company has been formed.

Mr. BANKHEAD. Have you operated them at a profit?

Mr. DAVIDSON. Except—yes; we operated them at a profit last year.

Mr. BANKHEAD. Where do they operate?

Mr. DAVIDSON. They are the *Octarara*, the *Tionesta*, and the *Jaunita*. They make the long trips. They make the trip Buffalo to Duluth and back, for which they receive, of course, quite a large fee.

Mr. SCOTT. That is a trip of 1,066 miles.

Mr. ROSENBLOOM. Is there anyone connected with the financial affairs of the company he refers to here as a witness?

Mr. SCOTT. He is the company.

Mr. BRIGGS. What is the length of service of the crews on those vessels.

Mr. DAVIDSON. I can not tell you that for the reason I am not connected with the operating department there. I have only been on that board for five months.

Mr. BRIGGS. Have any of the passenger ships been taken off, within your knowledge, within the last five years?

Mr. DAVIDSON. I do not think there have, except notice has been sent out by the D. & C. that they would not operate this year. They

sent out notice to the shippers they would not operate this year on the Lake Huron route.

Mr. BRIGGS. What reason did they give?

Mr. DAVIDSON. On account of its being not profitable.

Mr. BRIGGS. Did they designate in what respect it was unprofitable and why?

Mr. DAVIDSON. Yes. As I understand it, they are cut down in regard to the number of passengers for a certain period, commencing early and also ending, I think, in September. The details, now, I really can not give you. I think there are some of the passenger men here who can give you that exactly, but I am not familiar with that end of the passenger business.

Mr. HARDY. That is really, then, on account of the shortness of the season?

Mr. DAVIDSON. The shortness of the season.

Mr. BRIGGS. Does your company reach out for any of the Canadian business—the international business?

Mr. DAVIDSON. Except occasionally, I do not think—you are speaking about passenger boats?

Mr. BRIGGS. Yes.

Mr. DAVIDSON. I do not think they do. I can not tell you as to that absolutely, because I have only been on the board for four or five months.

Mr. BRIGGS. In the freight business, though, you are in the international business?

Mr. DAVIDSON. Our freight business touches Ontario.

Mr. BRIGGS. In that operation have you been able to compete with the Canadian ships?

Mr. DAVIDSON. We have here recently, for the reason they have taken off quite a number of Canadian ships and sent them to the coast.

Mr. BRIGGS. Why did they take those Canadian ships off, if you know?

Mr. DAVIDSON. Because they sold the boats down there during the war at a very large profit.

Mr. BRIGGS. Are the Canadians building any other ships to replace them.

Mr. DAVIDSON. Yes; a lot of them.

Mr. BRIGGS. But your vessels originally have been competing with the Canadian ships satisfactorily?

Mr. DAVIDSON. I could not say as to that. The Canadians are building a lot of ships now and the Americans are not building a lot of ships. They have special concessions there that we do not have.

Mr. BRIGGS. You mean Government concessions. Are they subsidies?

Mr. DAVIDSON. No; I do not think they are Government concessions, but they have certain privileges there. I can not go into the detail on that, because I am not entirely familiar with the Canadian situation; but I do know they are building a lot of Canadian ships.

Mr. BRIGGS. How many ships in the freight service have you been operating in the last 10 years?

Mr. DAVIDSON. You mean the Canadians?

Mr. BRIGGS. No; in that Canadian business?

Mr. DAVIDSON. I should say, off and on an occasional trip, you understand—I should say, three or four.

Mr. BRIGGS. Have you kept that up at practically the same number during the last 5 or 10 years, or has it changed—been reduced or increased?

Mr. DAVIDSON. No; it is just as you get a cargo. For instance, if you get a cargo of grain at Fort William, you would send a boat to Fort William or Port Arthur, which is up in the vicinity of Duluth, or occasionally you get a load of Canadian pulp wood that goes to an American port. We can not take any cargoes from two Canadian ports. The Government restricts us. We can take a cargo from a Canadian port to an American port or from an American port to a Canadian port. We do not have the privilege of loading at Port Arthur and unloading at Port Colborne, or any other Canadian port. We simply can take from a Canadian port to an American port or from an American port to a Canadian port. So you understand under those conditions, the Canadians are greatly favored over us, because they can take from a Canadian port to a Canadian port and from a Canadian port to an American port.

Mr. BRIGGS. In other words, they have coastwise restrictions just as we have in our country?

Mr. DAVIDSON. That is true.

Mr. BRIGGS. You have no regular line of service between Canadian ports and American ports? It is just what is known as tramp service? Whenever a business offers, a boat goes there and gets it?

Mr. DAVIDSON. Yes, sir.

Mr. BANKHEAD. Under the conditions you have named, do you know whether or not the amount of Canadian tonnage has increased since we got into the war?

Mr. DAVIDSON. Yes.

Mr. BANKHEAD. It has increased?

Mr. DAVIDSON. It has increased and is increasing.

Mr. BANKHEAD. On what do you base that statement?

Mr. DAVIDSON. I base that statement on the boats they are building.

Mr. BANKHEAD. Can you approximate the amount the freight tonnage has increased since the war?

Mr. DAVIDSON. I can not tell you that.

Mr. BANKHEAD. I understood you to say you had three passenger vessels in the service—your company?

Mr. DAVIDSON. That is, the Great Lakes Transit Co. He asked me about the Great Lakes Transit Co.

Mr. BANKHEAD. You are interested in that company?

Mr. DAVIDSON. Yes; I am.

Mr. BANKHEAD. Have those ships been operated at a profit or a loss since the seaman's act went into effect?

Mr. DAVIDSON. I am quite sure they operated at a profit last year.

Mr. BANKHEAD. And for how many years before?

Mr. DAVIDSON. I could not tell you, because I was not on the board.

Mr. BANKHEAD. You hold stock in those companies, do you not?

Mr. DAVIDSON. Yes.

Mr. BANKHEAD. You do not know whether they have paid any dividend on your stock or not?

Mr. DAVIDSON. Not on that part. This company owns 19 freighters, and these are simply three-passenger boats mixed in with the others.

Mr. BANKHEAD. Haven't you made any inquiry since you owned that stock to learn whether those boats were operated at a profit or a loss?

Mr. DAVIDSON. I have only been on the board for four months.

Mr. BANKHEAD. But you held stock in the company?

Mr. DAVIDSON. Yes; but the details of that I did not look into.

Mr. BANKHEAD. You can not tell the committee whether those companies operated at a profit except last year?

Mr. DAVIDSON. I can get that information. I would be very glad to get that for you, if you desire me to do so.

Mr. HARDY. Is it or not a fact that the great building program of the Government and the great amount of tonnage on hand is likely to leave the shipbuilding industry a little shy in the near future?

Mr. DAVIDSON. That would not apply to the Great Lakes because that tonnage all went off the Lakes.

Mr. HARDY. So that you have no surplus of tonnage on the Lakes now?

Mr. DAVIDSON. There is a surplus of tonnage at the present time.

Mr. HARDY. There is a surplus?

Mr. DAVIDSON. Yes.

Mr. HARDY. From where does it come?

Mr. DAVIDSON. Why, it comes from the fact that there is a dull period, a dull season. For instance, the ore that will be brought down, in place of bringing down this year 20,000,000 tons—they won't bring down this year, the steel corporation won't move, over 8,000,000 tons as against 20,000,000 last year. That is on account of the slump in building operations.

Mr. HARDY. Do not the Steel Corporation have their own tonnage now?

Mr. DAVIDSON. No.

Mr. HARDY. Have they got any tonnage?

Mr. DAVIDSON. They have about 100 ships, yes; but it has been the policy of the Steel Corporation to carry a certain amount in their own ships, and also to allot to the independent lines a certain amount to carry. So that this year they will probably only fit out about 50 per cent of their ships.

Mr. HARDY. They have ships on hand and will only use about 50 per cent?

Mr. DAVIDSON. Only about 50 per cent this year.

Mr. HARDY. So that they at least have a surplus of 50 per cent?

Mr. DAVIDSON. I presume—now, this is just conjecture on my part; it is not anything authoritative or anything they have told me; I am simply making a guess at that proposition.

Mr. HARDY. Are your shipyards offering to build ships any cheaper than they built a year ago, or two years ago?

Mr. DAVIDSON. Yes.

Mr. HARDY. They are now reducing the price of tonnage?

Mr. DAVIDSON. Yes.

Mr. BRIGGS. About what price per ton are they offering to build ships for now?

Mr. DAVIDSON. The bulk freighter, per ton, I presume could be built at the present time on the Lakes—now, this is conjecture, because it is a matter you would have to figure out according to the type of ship you want——

Mr. HARDY. Take a freighter, say, of 4,000 tons, or 3,000 tons.

Mr. DAVIDSON. I presume a 3,000 or 4,000 ton ship at the present time could be built for around \$80 a ton.

Mr. BRIGGS. A gross ton or a dead-weight ton, or what?

Mr. DAVIDSON. That is, a carrying ton.

Mr. HARDY. That is a new term. What does that mean? What is a carrying ton? There is a net ton, a gross ton, and a dead-weight ton, but this is a new term.

Mr. DAVIDSON. A ship measured by the Government at 2,300 tons would actually carry about 3,000.

Mr. HARDY. That is really the dead-weight ton, then, is it not?

Mr. DAVIDSON. No. A dead-weight ton would simply be what the ship carried; that is the dead weight.

Mr. HARDY. I thought you said that was the carrying.

Mr. DAVIDSON. A ship measured, for instance, for 3,000 tons' capacity would actually carry 3,500, and that 3,500 would be the dead weight and not the Government measure.

Mr. HARDY. I thought you said the carrying ton was not the same as the dead weight?

Mr. DAVIDSON. That is it.

Mr. SCOTT. The price you name for the construction of ships there is purely a Lake-type ship?

Mr. DAVIDSON. Sure; that is a Lake-type ship.

Mr. BRIGGS. I understand it is a Lake type.

Mr. SCOTT. That is not an ocean-going ship.

Mr. DAVIDSON. That is for a Lake type. You take last year, the cost for these large ships was \$100 a ton.

Mr. BRIGGS. What is the cost of these steamers they call the Lake-type steamers, built for the Shipping Board, which are used now in the sea service?

Mr. DAVIDSON. Those, I think, range around \$720,000.

Mr. BRIGGS. I mean per ton.

Mr. DAVIDSON. I think that would be about \$90 a ton. Now, this is conjecture. Our arrangement with the Shipping Board was a little different than that of anybody else, but we signed a contract with the Emergency Fleet Corporation—we took the contract at the price they fixed and then we wrote a letter to the Emergency Fleet Corporation and stated, when it was all done, in case the profit exceeded 10 per cent that we would return to the Government the excess over 10 per cent. So that we returned to the Government a very large amount of money. It ran into the millions. So that the cost of the ships built for the Emergency Fleet by the American Shipbuilding Co. was less than the cost for which they got the ships from anybody else, considering the same type.

Mr. FREE. Was there any provision in case there should be a loss you would still get your 10 per cent?

Mr. DAVIDSON. In case there should be a loss, that was all the ships would cost the Government. That was purely voluntary on

our part. They did not expect it, but we did not expect to profiteer on the Government.

Mr. HARDY. I think you deserve commendation on that.

Mr. DAVIDSON. This can be verified.

Mr. EDMONDS. Your contract was made with the Government for somewhere around \$180 a ton?

Mr. DAVIDSON. I think so.

Mr. EDMONDS. That was not a Lake type boat?

Mr. DAVIDSON. No; that was an ocean ship. But, understand, her cost was less.

Mr. EDMONDS. Yes; you gave something back to the Government afterwards. I do not know what it amounted to.

Mr. DAVIDSON. And we made the best record and got out all of our boats, and got them out quickly, too.

Mr. EDMONDS. But you did not mean \$90 a ton for that type of ship?

Mr. DAVIDSON. No; I meant \$190.

Mr. HARDY. It will be a matter of interest to the committee if you will put in the record a statement of the price you contracted for and how much you did turn back.

Mr. DAVIDSON. I would be very glad to do that.

Mr. EDMONDS. And the tonnage you built.

Mr. DAVIDSON. I would be very glad to do that.

Mr. CAHN. The ocean tonnage is more expensive?

Mr. SCOTT. The ocean tonnage is very much more expensive.

Mr. BRIGGS. How much tonnage have you built since the war, for service on the Great Lakes; how many ships?

Mr. DAVIDSON. Four.

Mr. BRIGGS. Freighters or passenger ships?

Mr. DAVIDSON. All bulk freighters.

Mr. BRIGGS. How many ships had you built prior to that time, within the preceding five years, for service on the Lakes?

Mr. DAVIDSON. I could not give you that from memory; I would have to look that up. But if you would like to have me do it I would be very glad to get the information for you.

Mr. BRIGGS. I wish you would, and designate the years you refer to as the war period; I mean whether it was at the outbreak of the European war or the date of our entrance into the war.

Mr. BANKHEAD. Did your company sell any vessels to the Emergency Fleet Corporation that were built before the war?

Mr. DAVIDSON. No.

Mr. BANKHEAD. Did you sell any vessels to them straight out that the company owned?

Mr. DAVIDSON. No. The company sold no boats on their own account. It was straight contract. I would say this, that the company contracted with the Cunard for some ships that were afterwards commandeered by the Government, but it was a contract they took over for the Cunard people.

Mr. BANKHEAD. And your company made no profit on that transaction?

Mr. DAVIDSON. No profit whatever.

Mr. JEFFERIS. I would like to go back to these three passenger vessels you spoke of. The distance from Buffalo to Duluth is what?

Mr. DAVIDSON. About 1,000 miles.

Mr. JEFFERIS. What time does it take those vessels to make that trip?

Mr. DAVIDSON. I can not tell you.

Mr. JEFFERIS. You do not know how many days?

Mr. DAVIDSON. No; I do not. They stop at Cleveland; they stop at Detroit. I do not know whether they stop at Mackinaw or not.

Mr. JEFFERIS. Does this seamen's act affect vessels that make long trips the same as it does vessels that make short trips or not?

Mr. DAVIDSON. In the passenger business I can not tell you. I really am not familiar with that part of it.

Mr. JEFFERIS. This is the longest trip on the Lakes, from Buffalo to Duluth, is it?

Mr. DAVIDSON. The reason for that is because the fare is a great deal more than it is on these shorter routes.

Mr. JEFFERIS. It is a greater distance also, is it not?

Mr. DAVIDSON. Yes.

Mr. JEFFERIS. But you do not know how the law affects long trips as compared with the short ones?

Mr. DAVIDSON. I can not tell you that.

Mr. EDMONDS. It is a four and a half day trip.

Mr. DAVIS. During what period of the year do those vessels operate?

Mr. DAVIDSON. I think it is 60 days. It may vary a little. I am just giving you what is a conjecture. It can not be much longer; it may be 75 days, but it is during the period, I think the principal work, of July and August. They may operate a part of June.

Mr. DAVIS. And are they tied up during the remainder of the year?

Mr. DAVIDSON. They are laid up; yes.

Mr. DAVIS. Do the provisions of the seaman's act in regard to life-saving equipment affect the operations of those three vessels?

Mr. DAVIDSON. I should think it would to some extent, but the amount I can not tell you.

Mr. SCOTT. They operate during the summer season?

Mr. DAVIS. That period is 90 days?

Mr. SCOTT. Yes; it is right in the middle of the summer, and really comes under the same provisions of the law as the other ships do. It does not really affect them at all. These ships are operated in conjunction with a very large fleet of freight ships, also as a side issue.

Mr. BRIGGS. Mr. Davidson, do you know, or happen to know, how many freighters were idle on the Great Lakes since 1915, during the usual season?

Mr. DAVIDSON. In 1915?

Mr. SCOTT. No; since 1915.

Mr. DAVIDSON. No; I can not tell you that.

Mr. BRIGGS. Can you give us any idea, approximately?

Mr. DAVIDSON. I should judge that the boats were pretty active during all of that time, and I should think that the number laid up would be very small. That is a matter, without looking it up and getting some data, that I could not give you, except what would be my opinion.

Mr. BRIGGS. What was the condition on the Great Lakes prior to 1915 with respect to the number of vessels that were laid up during the season?

Mr. DAVIDSON. It was bad. There were a lot of boats laid up during that period and the freights were very low. Lots of ships were sold and lots of ships had to be refinanced.

Mr. HARDY. You mean prior to 1915?

Mr. DAVIDSON. Yes.

Mr. HARDY. What is the actual condition to-day upon the Great Lakes?

Mr. DAVIDSON. The actual conditions—we can not get much of a line on it at the present time. The ore rate has not been fixed. I doubt if the coal rate has been fixed. There has been some moved, but the rates, what the boats are going to get, have not been decided. There have been some cargoes of grain moved at a very low rate, which have been moved at a loss.

Mr. HARDY. All rates are low at the present time—both the sea rates and the foreign rates as well.

Mr. DAVIDSON. All except the railroad rates.

Mr. HARDY. I mean the water rates.

Mr. DAVIDSON. The water rates on the ocean, I think, are lower. But you take the railroad rates they are nearly double what they used to be—passenger rates and freight rates. Some of the rates of the railroads are 117 per cent higher.

Mr. HARDY. I know the railroad rates are extremely high. I am speaking about the water rates.

Mr. DAVIDSON. The water rates on the Great Lakes, so far as I know, have not yet been established. Some cargoes have been carried, but the amount they will receive has not yet been determined.

Mr. SCOTT. It has not opened up yet.

Mr. JEFFERIS. Does the Interstate Commerce Commission have anything to do with the rates on the Great Lakes?

Mr. SCOTT. No; except where they operate between two cities, but they do not where they are entirely engaged in the coastwise trade between points in the same State.

Mr. MACLEAN. Mr. Chairman and members of the committee, you have been very patient—more patient than I thought you would be—in listening to the representatives from the boards of commerce. Our program is practically through. Mr. L. E. Williams, representing the Great Lakes Sand & Gravel Association, I will ask you to hear now. Mr. Williams is from Detroit.

STATEMENT OF MR. L. E. WILLIAMS, MARINE MANAGER OF THE UNITED FUEL & SUPPLY CO., DETROIT.

Mr. WILLIAMS. I am marine manager of the United Fuel & Supply Co., of Detroit, Mich., and on the executive committee of the Great Lakes Sand & Gravel Producers' Association. That is an organization which takes in the majority—not all, but the majority—of the marine producers of sand and gravel on the entire chain of the Great Lakes. We have a membership from Charlotte or Rochester, N. Y., through to Chicago. At my own port, Detroit, a little better than two-thirds of the producers are actual members of this association. It is a sort of a get-together proposition; and incidentally, for the information of some of my labor friends who may be worried about this thing, our association is no way treats with labor. We have

nothing to do with the labor end of it; we are simply an association for looking into matters like this—concerning legislation, for instance—and the fields of production, inspection matters, class of materials, and the requirements of contractors, engineers, and things of that nature. It is more or less of a semitechnical idea, but incidentally we operate a few ships of a small type. There are between 20 and 30 companies which are actual members, and probably 10 companies or so on the Lakes are not.

We have between 40 and 50 ships. Our plant investment is approximately \$5,000,000, and our plant output annually at the market prices will run from three to four million dollars. We employ between seven and eight hundred men. By that I mean on the boats, and work strictly in connection with the marine end of it.

Of course, the majority of our member companies, aside from this, are building supply dealers—not all of them, but a large portion of them—and this act and the proposed amendment hits us from a somewhat different angle than anything you have heard before. Our runs in general are from—some of them—an hour and a half up, and will average, say, four or five hours.

MR. JEFFERIS. You mean the runs of these ships?

MR. WILLIAMS. Yes, sir. Of course, we have some ships on runs of six and eight hours, but that is very exceptional. For instance, at Rochester—I believe this ship was cited before; a little bit of a boat—I have a little note that the owner of that ship sent me. She is 116 feet long, 27-foot beam, with a rated capacity of 230 tons gross. She is not much of a boat. That boat was a Canadian bottom, but all during the war he could not get hold of anything else. These boats are of a special type and hard to get, and unless they take and build one there are not any of them available. They are specialized in the trade. The owner bought this boat over in Canada. At that time the regulations or the law prohibited him from transferring it to the American flag, but in view of the fact he had actually purchased the boat and she became American property financially the Government gave her American coastwise permit during the war. The Canadians extended that privilege to us and we to them under a great many special conditions during the war, and under those conditions she came over and operated out of Rochester.

He goes on to say here that her run is about $3\frac{1}{2}$ miles from our dock, and at no point is she over three-quarters of a mile off shore; that the total time consumed in the round trip is never in excess of four and a half hours. During the war she carried, I think, a crew of seven men; but when the war was over and the smoke had all cleared away they immediately told him, "No more coastwise, but we will transfer your ship to the American flag," which they proceeded to do, and she is now an American bottom, or was a month ago. Immediately she became an American bottom the inspection service made him put on two more firemen. He now carries on that boat three firemen for a run of three and a half hours. He goes out at 9 or 10 o'clock in the morning and comes back in the middle of the afternoon. Notwithstanding that fact, he carries three firemen. His costs—this is my own estimate, based on what the costs are; it is purely an estimate, but pretty close—his labor under the old system would be about \$875 a month and under the new system it is now

about \$1,125, or an increase of 30 per cent in his labor cost. And that does not include a possible increase in his forward crew. I do not know and he does not know just where he is going to land; he has not started, but he does know he has to carry 3 firemen, and he was also made to put on a 15-man lifeboat to take the place of the boat for 7 required in Canada. It looked suspicious to him——

Mr. HARDY. How many round trips does he make a day?

Mr. WILLIAMS. He has made two: but, generally speaking, he only makes one. Then it takes the rest of the afternoon for the dock crew to unload the cargo. He pumps the cargo on by the hydraulic method, but he unloads it with the clam-shell outfit, which is considerably slower.

Mr. BANKHEAD. Do you know how much he earns a month?

Mr. WILLIAMS. No; I do not know.

Mr. BANKHEAD. You do not know, then, whether he operates at a profit or a loss.

Mr. EDMONDS. Does he unload with his own power?

Mr. WILLIAMS. Oh, no; he has to unload with power on shore, a derrick on shore—what we call a clam-shell outfit.

Mr. EDMONDS. He is required to keep three shifts of firemen in order to keep steam up at the dock, I suppose?

Mr. WILLIAMS. The boys all go home at night.

Mr. EDMONDS. Does he tie up at night?

Mr. WILLIAMS. He banks the fires and after that there is not a darn thing done.

Mr. EDMONDS. Virtually, he only has use for one fireman all the time?

Mr. WILLIAMS. He would have no use for two of them; virtually, you can not see what they are doing. The last time I heard from him he had not operated under these new conditions. Whether he has started out under these conditions yet or not, I do not know, but that is what the Government inspectors told him he would have to do.

Mr. HARDY. Where are these Government inspectors; at Detroit?

Mr. WILLIAMS. Oh, no. I do not know whether they are the Rochester inspectors, whether they have local inspectors there, or send the inspectors over from Buffalo. I think they send the inspectors over from Buffalo, but I am not sure about that.

Mr. HARDY. Can you give the names of the inspectors that made those requirements in this particular case?

Mr. WILLIAMS. I can not, but you can get them from the Department of Commerce. They can tell you absolutely the men who made the inspection of the boat at the port of Charlotte.

Mr. HARDY. I would like to know about that.

Mr. WILLIAMS. The law says any boat which navigates under the seamen's law, and they have construed that to mean a boat navigating at any place on the Great Lakes, excepting on the rivers and in the harbors, must carry three watches. That is what we are trying to get away from.

Along that same line, going into some of the other boats at Sandusky, they make one trip per day. I suppose boats have made two trips; I do not know; but as a general proposition they make one. Their run out of Sandusky is from four to five hours out and back, sometimes six.

Mr. HARDY. The round trip?

Mr. WILLIAMS. Yes, sir; out to load and back to port. And they carry three firemen. They have the same proposition; the boats come in and tie up at night. We have the same proposition at Toledo. At Erie they used to get sand in the harbor and either the quality or the quantity played out and finally they had to go outside the lines of the harbor. There is a long peninsula that sticks out into the harbor at Erie, and they had been working on the inner side, and then they had to go around the peninsula and work on the outside. The inspectors can not help themselves; if they go outside the harbor, the law says they shall carry three watches in the after end.

There is not a single thing about how long they navigate. What we are after is some relief on the short runs. On those runs they do not have to fire more than six hours. In the past, before the seaman's law went into effect, they have always given us a permit to operate 12 hours with a single crew. They still do that on the rivers. In my own case I can operate at Detroit on the rivers for 12 hours, or not to exceed 13 hours the law reads. On the St. Clair River and Lake St. Clair I could, if I would like to, work 12 hours, but I do not do it, because I would have to double the crew. But I could do it, because my papers allow it. But the minute I go below Bar Point or above Port Huron on the St. Clair River, even if I only go a thousand feet outside of the piers, I have laid myself open to the seaman's law and have to put on three crews.

Mr. CULLEN. The inspectors have no discretion?

Mr. WILLIAMS. Absolutely no; they have no discretion in that matter at all. But I will say for some reason that the inspectors have rather stiffened up the requirements in a great many cases. I can not see just where the law tells them to. They have done it on my boats, boats on the same run—on some of the boats they have required this three-watch system in the after end, because it is up to the inspectors to determine the kind of boat and what crew a ship shall carry.

Mr. CULLEN. According to her tonnage?

Mr. WILLIAMS. No; it is not only tonnage. For instance, I have boats in my fleet of a certain tonnage which carry a larger crew than boats of a larger tonnage. It is not altogether tonnage.

Mr. CULLEN. They regulate it according to the style of the boat?

Mr. WILLIAMS. Yes.

Mr. CULLEN. But on the regular ocean-going freighters the tonnage would intervene?

Mr. WILLIAMS. In a general way, yes.

Mr. HARDY. It is up to them to say what crew shall be required.

Mr. WILLIAMS. It is up to them to regulate the crew; whatever they think is necessary. As I say, in our case, we have boats which have operated for years with a single crew and all of a sudden they have been increased one or two men. We are not arguing about that. Of course, it is a hardship; there is no question about that; it increases the cost of the personnel. But it is the specific requirements of the law. We will take our chance with clean-cut inspectors under the previous law; but the Government has told them to go and do thus and so, or Congress, and it works out on a boat that goes out and turns around and comes back again, practically speaking, because the pump does the loading very rapidly. Those boats on our fleet

run about as large as any of them; we have one over a thousand tons but the majority of them run from 500 to 1,000 tons gross register. and in our fleet we have three steel boats and seven wooden boats. Two of them do not come under inspection; two of them are barges; but aside from the barges we have five wooden boats and three steel boats running from 300 or 400 up to 900 or 1,000 tons, gross.

Mr. BANKHEAD. Are your boats all busy at the present time?

Mr. WILLIAMS. No, sir.

Mr. BANKHEAD. What percentage of them are laid up?

Mr. WILLIAMS. In tonnage, about 90 per cent of them are operating, as far as capacity goes. I hope to get the others going, too; but at Detroit we have, at the present moment, a pretty fair demand.

Mr. BANKHEAD. You are operating 90 per cent at the present time, at a profit or a loss?

Mr. WILLIAMS. We are operating at a profit; otherwise we would not be operating. But the reason we are operating at a profit is this, we have simply tacked the cost onto the consumer.

Mr. SCOTT. In other words the excess amount of employees you carry on your ship, that you do not need at all necessarily increases the cost of building material which you furnish to the poor man who is trying to build a home.

Mr. WILLIAMS. Absolutely.

Mr. SCOTT. And he has to pay it in order that you can operate at a profit?

Mr. WILLIAMS. And in line with that proposition—I do not know how familiar you gentlemen are with sand and gravel and what happens to it, but we brought into Detroit alone (I am reading now a couple of extracts from a report which we made in an argument before the United States Government engineer at Detroit there), in 1917 we brought into the Detroit market alone, by boat, 1,827,000 tons of sand and gravel. That was about 70 per cent of what was brought in. There was about 30 per cent brought in from pits. At a great many of the Lake cities. Detroit among others, the pits that are available for the supply of sand and gravel lie at a point where the rail freight rate puts them pretty nearly out of the running. They use them for some special kinds of work; but, generally speaking, the boats can bring the sand in cheaper than the rail can, even under existing conditions. That material is used for all sorts of concrete construction, road building, sewers, water supply, and things of one kind and another, and for building houses. And remember a man can not build any house but what he has to use some sand. Even for the little wooden house with a little foundation under it (that is, up in our country at any rate), you have to have a foundation and that foundation requires sand; and in the fire limits it takes considerable sand to put up a house. And Detroit has been very shy of housing accommodations.

Mr. LAZARO. You said a moment ago that the increased cost of operation under the law is passed on to the consumer?

Mr. WILLIAMS. Yes, sir.

Mr. LAZARO. How much is the increased cost of operation under this law, about?

Mr. WILLIAMS. In a rough way—of course, it varies with the boat, but taking the general average, the labor is approximately 30 per

cent of the total cost of operation. When I say total cost of operation, I am including the overhead, depreciation, interest on investment—in other words, all the costs which a full-fledged going business would put in. I am not talking about operating costs.

Mr. LAZARO. I am talking about the increased cost of operation under the present law, which you are complaining about.

Mr. WILLIAMS. I will get at that in just a second. Your labor cost of the ship under the old régime was approximately one-third, in round numbers. It varies in some places; in some places it runs lower and in a few it runs higher. But take the case of a man at Rochester, which is a fair sample, I would say 30 per cent.

Mr. LAZARO. I am not talking about the increase in wages and salaries; I am talking about the increase of the number of men you have to employ now under the new law; because we know wages have gone up all the time.

Mr. WILLIAMS. I am talking about the change in the number of men. Take the case right here of this little boat I spoke about; his costs were \$875, with the same wage, with the original crew. Under the law he had to put on two extra men, which raised his cost, with the same wage, to \$1,125, an increase of 30 per cent, due to the two additional men.

Mr. CHINDBLOM. And not due at all to an increase in wages?

Mr. WILLIAMS. Not due at all to an increase in wages. That is 30 per cent, or, in round figures, 10 per cent of the cost of production was the increase in his case, due to the putting on of these additional men.

Mr. CHINDBLOM. And in passing that to the consumer——

Mr. WILLIAMS. In passing that to the consumer, which means the ultimate consumer, he is paying 10 per cent more for his material.

Mr. CHINDBLOM (continuing). Is he paying just that much additional or more?

Mr. WILLIAMS. I could not say; it varies. But I will guarantee it costs that much more. It has been pretty hard to make out any fair schedule on building costs during the recent war or during the war period, even up to last year, because the things are chaotic and the prices shot up and down and sideways and you could not come to any logical conclusion except as based on cost.

Mr. BANKHEAD. Your argument is, if I understand it, that the law for a certain number of men now required, if it be amended, it will result to the benefit of the consumer of sand and gravel?

Mr. WILLIAMS. I will say yes; absolutely. Up at Detroit, as well as everywhere else, there is very sharp competition. Take Detroit alone; there are 28 or 30 boats in this trade under about 15 different ownerships, and there is absolutely no connection between those ownerships. Many of them are being operated by the men who own the boats, and they work as the masters of the boats.

Mr. BANKHEAD. Your interests would logically seem to be for the protection of the consumer of these products and not of the owner of the ships?

Mr. WILLIAMS. Absolutely.

Mr. BANKHEAD. You are able to operate at a profit now under existing conditions, because you can pass the increased cost on to the consumer?

Mr. WILLIAMS. Absolutely; the point being we would not operate if we were not making a profit. And we have been reluctantly in the position where we were compelled to raise our freight rates and the ultimate consumer is the one who suffers. And we can not see why the building trades and the road commissions—take the big road-building program which the Government is at work on and which it is trying to work out with the State road commissions—why, those men should be penalized for the benefit of the men on board ship.

Mr. SCOTT. At the present time, in view of the high cost of everything—labor, material, and everything else—incident to the construction of buildings, the only way it might interest you is in the building program of the country and at Detroit being curtailed?

Mr. WILLIAMS. That is correct.

Mr. SCOTT. Now, when they curtail that business and cut it down it affects you, does it not?

Mr. WILLIAMS. That is correct; there is no question about that.

Mr. HARDY. You say your labor cost, under the old régime, was about 30 per cent of the total cost of operating?

Mr. WILLIAMS. Approximately. That varies from ship to ship, but in a general way; yes.

Mr. HARDY. Does that labor cost, which you say is 30 per cent of the operating cost—

Mr. WILLIAMS. No; not operating cost; 30 per cent of the entire ship's cost, which means overhead and all.

Mr. HARDY. It is 30 per cent of the total cost to you of a year's operation?

Mr. WILLIAMS. Yes, sir.

Mr. HARDY. And that includes everything?

Mr. WILLIAMS. Yes, sir.

Mr. HARDY. Does that 30 per cent in labor include the cost of loading and unloading, which is separate from the cost of your crews? As I understand it, when you get to the harbor, the crews do not unload?

Mr. WILLIAMS. There is a different condition on about half of the ships. About half of the ships in my fleet, or a little less than half, are the so-called pump boats or sand suckers, with hydraulic rigs. They load themselves, but they do not unload. Aside from that we have some boats that do unload themselves, but they are unloaded by shore crews, generally speaking.

Mr. HARDY. Does that 30 per cent of the cost of labor for operating include the cost of labor wherever it is employed?

Mr. WILLIAMS. It includes no shore labor whatever. That cost is based entirely on the ship's pay roll absolutely.

Mr. HARDY. Is that shore labor added into your overhead?

Mr. WILLIAMS. It is not added in at all, because we deliver on the dock or alongside the dock. Whoever takes that stuff has to handle that end of it for unloading, or we give them an unloading price.

Mr. HARDY. Your ships do the unloading?

Mr. WILLIAMS. On the derrick boat, yes; not on the pump boat.

Mr. HARDY. So that this 30 per cent includes the cost of labor for unloading?

Mr. WILLIAMS. It does not in the pump boats.

Mr. HARDY. It includes all the cost you have for labor?

Mr. WILLIAMS. In the ship's pay roll; yes. For the labor we employ ashore it does not take in that.

Mr. HARDY. Do you employ labor ashore?

Mr. WILLIAMS. We employ in our company probably \$50,000 or \$60,000 a month ashore. That has nothing to do with the steamboat end of it though.

Mr. HARDY. That is not a part of this 30 per cent?

Mr. WILLIAMS. No, sir; it is not connected with the steamboats in any way.

Mr. CULLEN. Do all of your boats you are operating come under the provisions of the seamen's act?

Mr. WILLIAMS. Not all I am operating; no, sir.

Mr. CULLEN. How many of them do not?

Mr. WILLIAMS. It depends on how they are operated. Our gravel beds lie partly in the St. Clair River and partly out in Lake Huron and Lake Erie. When we operate ships out in Lake Huron and Lake Erie they come under the seamen's law.

Mr. CULLEN. Two-thirds of your fleet—does that come under the provisions of the act?

Mr. WILLIAMS. Yes; two thirds of them are crewed under the provisions of the act in my particular fleet. And these other fellows, outside of our local at Detroit there, the men at Rochester, Sandusky, Cleveland and Toledo and those ports, and Chicago, they all come under the seaman's act, because they have absolutely no material available inside of the harbor lines.

Mr. FREE. Tell us just what you are asking us to do for you.

Mr. WILLIAMS. The point we are interested in is the paragraph permitting us to operate with two watches up to 16 hours and leaving it absolutely wide open to the inspectors, which I presume would mean a single crew under 8 hours. That is what we want. What we are trying to get away from is three crews in the after end when we work not to exceed 16 hours.

Mr. EDMONDS. What does the crew do when you tie up; what do the firemen do? You have to have two extra firemen on that boat. What do they do when you tie up?

Mr. WILLIAMS. They usually go up town somewhere. What they do up town I do not know; I do not go up there with them.

Mr. EDMONDS. Do you pay them when they go up town?

Mr. WILLIAMS. You bet your bottom dollar you pay them.

Mr. EDMONDS. And they do not do anything for it?

Mr. WILLIAMS. There is nothing they do.

Mr. EDMONDS. They don't bank the fires?

Mr. WILLIAMS. Some fellow may stay around and look after the fires if he don't have the money to go up town.

Mr. EDMONDS. You don't carry novels on board for them to read, do you?

Mr. WILLIAMS. No; but I have lent them dice on board sometimes.

One point that has been touched upon was this matter of what is or should be the safe period on the Great Lakes. We have some dope on that which to me looks authoritative. That is the insurance. Our fleet is all insured, and most of the Lake boats are. It is carried principally through the American bureau, and in my own case a great deal of it is carried in London, through Lloyds. They are the

people whose means for making a livelihood depends on the safety of ships. They are betting money against you that the ship is going to be safe, and they pay you if it is not. They are gambling their entire hope of financial welfare on whether your ship will come in safe or not, and they ought to know what they are betting on. They say from the 1st day of April to the 5th day of December your ship is safe; if it is not, they are going to pay you for it. After the 5th day of December I can run my steel boats, but not my wooden ones, except by paying a special premium. Again, we can start out earlier in the spring by paying a special premium. But the one rate applies from the 1st day of April up to the 5th of December.

Mr. CHINDBLOM. Don't you get a better rate if you change the season?

Mr. WILLIAMS. No, sir; there is no change in rates from the 1st of April to the 5th day of December, except if a boat is tied up they will rebate to you. But the actual rate per thousand of insurance is the same, and it only changes after December 5 and previous to April 1.

Mr. DAVIS. Does that apply to all the chain of Lakes?

Mr. WILLIAMS. As far as I know, it does. I know some of my boats are licensed in the policy for the chain of Lakes, and I can run under that license on all the Lakes if I want to, because I do not see why they would give me something if they did not intend I should use it. And I believe that is the fact.

Mr. SCOTT. It is universal.

Mr. WILLIAMS. Another point I want to make: In comparing the rail with the water rates there was some criticism made on this matter of terminals. Somebody said, "Well, the terminals at Detroit are worn out; they are inadequate." I do not want to agree with that. There was quite an article written in the Engineering Record some two years ago—I can not recall all the details—making comparisons of water and rail transportation, in which they went very carefully into this matter of terminals. Generally speaking, the trouble with inland water transportation is the terminals—there is no question about that—but in this article it was very specifically conceded that there on the Great Lakes the terminal facilities were better than any place in the world. There is no place in the world where they can handle coal with the rapidity we can on the Great Lakes.

But in comparing the rail and water rates you have to allow for cartage to the ships, because we do not have rails and sidings to the very back door of your plant. In the case of the railroad, you order a freight car in at Toledo and Detroit; that freight car comes on to your siding, and you fill it up, and then it is moved out and is carried through to destination. But in the case of water transportation you have to load your freight onto the dock; you can not go up the street somewhere near your plant, right at your back door, and load onto the boat. And for that reason, in comparing rail and water rates, you must take into consideration the matter of cartage, because unless you have your plant right next to the river front you have to cart every ounce of freight onto the dock and you have to add that to the water rate. And it is only by taking that into consideration that you can draw any fair conclusions.

Mr. EDMONDS. They might say the Detroit terminal is now inadequate, because they are contemplating putting big improvements there?

Mr. WILLIAMS. Yes. In the case of transatlantic shipments; and if we ever get into the transatlantic—as we hope to some day—we will have enormous, big cargoes. But as long as we have the present package freight we now handle it is a little different thing. Our friends, the D. & C., have just got through building a dock in the last year or two which is conceded one of the finest there is anywhere for handling that particular type of freight.

Mr. EDMONDS. Where is that, Cleveland?

Mr. WILLIAMS. Detroit, too.

Mr. CHINDBLOM. Are the other big cities on the Great Lakes just as well equipped?

Mr. WILLIAMS. I would say so. Not only that, but the Government has spent and is spending millions of dollars for harbor improvements on the Great Lakes so that we can utilize them, and then they want us to go to work and put the rates up to compete with the railroad rates and not get the benefit of that improvement if we come up to the rail rates and get up around there. If we can go below the rail rates and do not do it, the Government is not getting a return back to the shipper, for whom the money is spent in this improvement.

Mr. EDMONDS. Are your local rates supervised?

Mr. WILLIAMS. I could not say as to that.

Mr. CHINDBLOM. Who did you say was trying to induce you to raise rates?

Mr. WILLIAMS. I do not say anybody is trying to, but the question has been brought up here why we don't raise our rates up to the rail rates.

Mr. HARDY. Let me interrupt you there. My suggestion was that the water rates ought to be low enough to beat the rail rates; and if you had to come nearly up to the rail rates to make it pay, they would still beat them.

Mr. WILLIAMS. The point is this: If you make that comparison you must take into consideration the cost of trucking to and from these docks.

Mr. HARDY. Those terminal charges are a very essential element, I understand?

Mr. WILLIAMS. There is no terminal charge involved in the Lake traffic that I know of, in the package freight.

Mr. HARDY. I mean the terminal cost to get it to and from your docks?

Mr. WILLIAMS. Your trucking charge.

Mr. HARDY. Or getting it to and from the railroad box car?

Mr. WILLIAMS. Correct.

Mr. HARDY. Now, is it not a fact that nobody, except the large wholesalers, have the railroads running right up to their backdoor on sidings?

Mr. WILLIAMS. No; it is a fact in Detroit. I can not give you the exact figures, but I would say, offhand, that 90 per cent of the people who receive material in volume sufficient to warrant car shipments, have their own sidings.

Mr. HARDY. Ninety per cent of the people who receive carloads from the railroads have sidings running up to their back doors?

Mr. WILLIAMS. Yes; those who load carloads have their own sidings—at least 90 per cent.

Mr. HARDY. What proportion is package freight? Is that any considerable portion of the carload freight?

Mr. WILLIAMS. Package freight goes in box cars, and if you have enough package freight to fill up a box car that is all you need.

Mr. HARDY. But package freight does not go to the back door of the man to whom it is shipped?

Mr. WILLIAMS. Yes; I have seen full trainloads of package freight go onto one siding. It is bulk freight, you see. The distinction of package freight is in the manner of handling your commodity.

Mr. HARDY. What I am trying to get at is for a matter of information. I want to know what percentage of package freight goes to the back door of the man to whom it is shipped?

Mr. WILLIAMS. That I could not say.

Mr. HARDY. Do you know whether a large proportion of it has to be handled by drayage?

Mr. WILLIAMS. I would not want to make a guess. Always with us, in the case of wholesalers, a great deal of it is handled by car. The retailer is different.

Mr. HARDY. But on the question of competition with water transportation, if there is a great portion of the freight that has to be carried into the box car by drayage, even when carried by the railroad, as to that there would be no advantage to the railroad?

Mr. WILLIAMS. Only this: That, generally speaking, in large cities, the railroads have team tracks scattered all over town, and if you have a shipment to make on the railroad you can probably find, in nine cases out of ten, that you can get a team track not far from your plant.

Mr. HARDY. In the case of water transportation you have that, too, don't you?

Mr. WILLIAMS. How are the shippers going to get out on a team track on the water? You do not have streets on the water. They have to stop at the dock.

Mr. HARDY. You mean a railroad track?

Mr. WILLIAMS. Yes; a railroad track, where you can load and unload. That is just a track on which they deliver, which the railroads put in for public convenience.

Mr. HARDY. It is a siding?

Mr. WILLIAMS. It is a siding for the benefit of the general public; it is not controlled by any one shipper.

Mr. DAVIS. It is a railroad sidetrack?

Mr. WILLIAMS. Yes.

Mr. CULLEN. Where your vessel comes into dock you can discharge your vessel out of the hold of the vessel into the car, can you not?

Mr. WILLIAMS. Into the car; yes, sir.

Mr. CULLEN. You draw your car right up against the side of the ship?

Mr. WILLIAMS. If there is a transfer to the rail.

Mr. CULLEN. Yes.

Mr. WILLIAMS. In other words, if there is any transfer to the railroad, it is a direct transfer.

Mr. CULLEN. There is no question but that increasing the freights, bringing the water freights up to the rail freights—if you did that, you would have no business again?

Mr. WILLIAMS. No.

Mr. HARDY. What I am insisting on is that he can haul by water very much cheaper than he can by rail, but that does not take into consideration these terminal charges.

Mr. CHINDBLOM. In all events, there must be an extra handling when freight is carried by water. Even if it is put into the car at the wharf that car has to be carried to the siding?

Mr. WILLIAMS. You mean where it is carried to a ship?

Mr. CHINDBLOM. In the case of the ship there is always one extra handling?

Mr. WILLIAMS. Yes. On package freight you might say that is the invariable rule.

Mr. GAHN. But there is an advantage in shipping by water?

Mr. WILLIAMS. There is an advantage to this extent, that in going from Cleveland to Detroit you might take 10 days to two weeks to go by rail, on account of the delay in getting through the yards. You can do it in seven hours and a half by water.

Mr. SCOTT. Now, gentlemen, we have endeavored to present the situation to show the conditions in a general way throughout the Great Lakes section. I presume there are some men on the committee who do not appreciate the fact that the run from Buffalo to Duluth is 1,066 miles. A round trip is equivalent to an ocean trip. So that when you take what we call a long voyage on the Great Lakes it is fairly comparable with an ocean trip. And, as Mr. Davidson stated, there are only a very few passenger boats that engage in that long haul of 1,000 miles. The great majority of our ships on the Great Lakes operate on short hauls. I presume it would be a safe statement to say that the average run of a passenger ship on the Great Lakes is less than 16 hours, and there are many of the ships—hundreds of them—with runs of less than 8 hours. You take particularly the ships running from the mainland to the various islands, for instance, the mainland at the north end of the State and running over to Mackinaw Islands. There are thousands and thousands of people carried over there during the summer time. The distance is 3 miles from the north mainland and 6 miles from the south mainland. It takes approximately 30 minutes to go over from the lower peninsula and 15 minutes to go over from the upper peninsula.

Mr. FREE. How long does it take a boat to go from Buffalo to Toledo on the Great Lakes?

Mr. SCOTT. From Buffalo to Toledo would take from 9 to 10 hours. You are speaking of passenger ships?

Mr. FREE. Yes.

Mr. SCOTT. Passenger ships leave Buffalo at 10 o'clock at night, and they are in Toledo the next morning at 3 o'clock.

Mr. CULLEN. The run to Duluth—what is that?

Mr. SCOTT. The run to Duluth on the fast ships would take four days. Of course, you understand that is not consumed entirely in running. The ships stop at Cleveland, Detroit, Mackinaw Island, Sault Ste. Marie, and after they leave Sault Ste. Marie there are no other stops until they reach Duluth.

Mr. CULLEN. Yes; I have made the trip.

Mr. SCOTT. They discharge freight and take on and put off passengers.

Mr. KIRKPATRICK. Does what you say apply to freight as well as passenger ships?

Mr. SCOTT. No.

The D. & C. people, who are mentioned here quite frequently, have the largest passenger fleet on the Great Lakes, and they have had for the last 25 or 50 years. I do not know how many ships they have. They must have 10 ships—passenger ships. How many ships have you, Captain?

Capt. SIMPSON. Eight passenger ships.

Mr. SCOTT. You have had more than eight, because you had two running out of Bay City——

Capt. SIMPSON. We only have eight now.

Mr. SCOTT. These passenger ships are virtually the only passenger ships we have on Lake Huron, and the Goodrich Line—you will hear from them on Lake Michigan.

Mr. CULLEN. In regard to Bay City, when did they quit running into Bay City?

Mr. SCOTT. They quit running into Bay City about four or five years ago.

Capt. SIMPSON. About 1913, I imagine.

Mr. CULLEN. Was there any real reason for stopping that trip?

Capt. SIMPSON. It was not profitable.

Mr. CULLEN. They were not making any money?

Capt. SIMPSON. No.

STATEMENT OF MR. H. W. THORP, PRESIDENT AND GENERAL MANAGER GOODRICH TRANSIT CO., CHICAGO, ILL.

Mr. THORP. I am president and general manager of the Goodrich Transit Co., at Chicago; 38 years in the business—38 years with the company.

Mr. CHINDBLOOM. Incidentally, you have not done much else, have you?

Mr. THORP. Yes; I worked before that. I want to clear up two things in relation to rates and to say something about the kind of boats we operate. There have been some—not exactly misstatements, but things have not been exactly clear. There are more than two boats on the Lakes that are strictly in the passenger business. There are some on Lake Michigan, and we operate one strictly passenger steamer ourselves. We operate six, all told, but we are in the passenger business exclusively and in the passenger and freight business combined. We have a boat that we run in the passenger business wholly and absolutely.

In relation to rates, I hope you do not get confused—Mr. Hardy especially—on this low cost of handling freight on the Great Lakes. That applies entirely to the bulk freighter, which has no overhead. They go to the ore docks and get their ore. And, gentlemen, they load some of those 12,000-ton boats in less than an hour. You may not know that. They load them in less than an hour and take them out in three to four and five hours.

Now, the sort of boats most of us here are interested in are the combination freight and passenger boats. We handle package freight altogether—not the bulk freight. The cost of handling as compared with the rail—you have the wrong idea. Even Mr. Williams did not clear that up. To begin with, a shipper, in shipping carload lots, even if he ships by rail, usually has a sidetrack at his place of business, or what we have spoken of before as a team track. The railroad does not at any time touch that freight. The shipper loads that freight on his car at his place of business on the team track, and the consignee at the other end either unloads at his sidetrack or at the team track. The railroad simply hauls that freight; they do not touch it. The steamboat line—when we come to the freight dock with a load of freight, that freight comes to the dock in a wagon; we have to take it from the wagon and put it on the floor of the warehouse, take it from the floor of the warehouse and put it in the boat, and then, at the other end, we have to take it from the boat to the warehouse and from the warehouse to destination. We handle that freight four times. We can not compete in our costs with the railroads.

Now, our own company for several years back, Mr. Hardy, has been charging rail rates. As a matter of fact, for two years, between Chicago and Milwaukee, we have had a premium on the business. That is no longer in effect now. We have just, in the last couple of days, increased our rates to the rail rates. It is the dispatch you give them. They wanted their freight and were willing to pay a premium to get it.

MR. BRIGGS. In referring now to the rail rates, you are referring to express freight?

MR. THORP. The so-called package freight, as we term it. And I quite agree with Mr. Williams that raising the rates to get money enough to pay the men aboard the boats, the ones we have no use for, puts a burden on the people. That is a fact, and that is what is being done wherever you have that, and that is what is done wherever you try to do it.

MR. BRIGGS. In this connection I wish, for the benefit of your argument, you would make a little more clear the size of the boats you are operating, the size of the crews, and how many men you have on there which you say are surplus and unnecessary.

MR. THORP. I want to tell my story in just a little different way. The teeth of this bill for us—it is a labor-union measure from start to finish.

MR. JEFFERIS. Which one?

MR. THORP. The old bill; from start to finish. I was in the gallery of the Senate when this bill was passed. We tried to get Mr. La Follette's ear and we could not get it. We were told he did not want anything to do with us. It was not long afterwards Mr. La Follette said "Mr. Furuseth is the savior of the American merchant marine." That was after the bill was passed. And to-day he is running a strike against the Government; that is what he is doing.

MR. HARDY. You do not understand this committee ever failed to hear your committee of shipowners and ship operators?

MR. THORP. No; I do not; but I want to read something that occurred before your committee as to the labor-union proposition.

MR. SCOTT. Now, Mr. Thorp—

MR. THORP. I would like to get this into the record.

Mr. SCOTT. I do not blame you at all. But there are a lot of new members on the committee. The older members of the committee are entirely conversant with that feature of it, but I think the new members would be much more interested in the number of ships you are operating, the number you have been obliged to lay up, the number of ships in the hands of receivers, and the amount of loss you sustained in the last two years on account of this law, and why this law is making it unprofitable and impossible for the combination freight and passenger ships to operate on the Great Lakes to the great detriment of the people of the State of Michigan.

Mr. GAHN. And of Ohio, too.

Mr. THORP. I will bring some of those points out, but they are not all in the bill.

Mr. SCOTT. I am willing to put them in.

Mr. THORP. I want to read you a circular that was gotten out after the hearings in December, 1915.

Mr. HARDY. A circular gotten out by whom?

Mr. THORP. By the Associated Passenger Lines of Lake Michigan; and this is a copy of a part of the hearings before the Merchant Marine and Fisheries Committee in 1913. I am just going to read you an extract.

Mr. HARDY. Lay off of the circular and read the extract of the hearing, if it was testimony before this committee.

Mr. THORP. It is not necessary to read the whole of what I have here, but this is an exact reproduction of page 189 in the official United States Government record of 1913 of the hearing held before the Committee on the Merchant Marine and Fisheries, House of Representatives, on Senate bill 136.

Mr. HARDY. That is all right——

Mr. THORP. I think perhaps you were present. I was present at the time, and I think you were also, Judge.

Mr. HARDY. I am sure I was.

Mr. THORP (reading):

Mr. MANAHAN. Mr. Chairman, my associate suggests that I am not advised as to the methods of cross-examination, and suggests I do not know possibly what I am talking about. I am just as weary as the other gentleman is and just as anxious to get through, because I have much to do; but one of the big questions underlying this, in my opinion, apart from the question of safety to the public, is the proposition to get such a law as will compel these steamship companies to part with more of their money for the seamen who do the work. It is a labor-union law. I will have the gentleman understand it. It is the law of labor unions only for the benefit of labor.

Now, Mr. Manahan, if you recollect, pretty nearly run the meeting. He was a member of the Merchant Marine and Fisheries Committee, a Congressman from Minnesota, and he represented Mr. La Follette at this hearing.

Mr. HARDY. You saw enough of Mr. Manahan to remember that he was an extreme member on this committee on that bill?

Mr. THORP. I do.

Mr. HARDY. Do you remember when that was?

Mr. THORP. In 1913.

Mr. HARDY. And the bill passed when?

Mr. THORP. It passed in 1914 and became effective March 4, 1915.

Mr. HARDY. Mr. Manahan was not even on the committee at that time, was he?

Mr. THORP. He was at all of the hearings.

Mr. HARDY. No; he never was at a hearing after he went off of the committee.

Mr. EDMONDS. He was on the committee in 1913, Judge.

Mr. HARDY. I think you will find he left before that.

Mr. EDMONDS. No; because I think we were having hearings all during those two years. Of course, the completion of the bill may have come on later, but we were having hearings at that time. The first hearing, after I came on this committee, was on safety appliances.

Mr. HARDY. I think you will find Mr. Manahan was not here at the time the bill passed.

Mr. CHINDBLOM. Was S. 136 the La Follette seaman's bill?

Mr. THORP. Yes, sir.

Mr. HARDY. I think I ought to insert right here that the bill as passed was more the work of Judge Alexander and of this committee than the work of Mr. La Follette—90 per cent of it was the work of this committee.

Mr. THORP. As I have said, the teeth of this bill do not show in the bill itself. It is not the men altogether that you have to put aboard those boats. Before the bill became effective we dealt with two labor unions. Now, we have five on every one of our boats—five labor unions to do business with. And this is what happens: If you have any sort of a disturbance with one of them the other one takes that up. We have had a boat lying at our docks ready to leave with a load of passengers and fully loaded with freight and there was some difficulty about the cooks. We could have replaced the cooks. The firemen stepped out on the dock and would not take the boat out. We must have firemen; we must have a given number of them. Our inspection certificate says we must. We had to go back and pay those men and straighten up everything they wanted. And as they came back aboard the boat, the firemen said: "Didn't we fix it for you? Didn't we fix it for you?"

Mr. HARDY. It means, then, you object to certain requirements, because the unions avail themselves of those requirements to make terms with you?

Mr. THORP. They have taken advantage of them from the day the bill was put into effect, and I will show you how they have done it.

Mr. GAHN. Why couldn't they have done the same thing even before the bill went into effect?

Mr. THORP. Because we have to have men now to complete the crews which we did not have to have before. We have to have able seamen, which we did not have to have before. And that is one of the things we are asking in this amendment to be able to use certified lifeboat men in place of able seamen.

Mr. GAHN. Couldn't they have done this before the bill?

Mr. THORP. No, sir.

Mr. GAHN. Why couldn't they have helped each other in the way you mention before the bill went into effect?

Mr. THORP. There were only two unions, but afterwards they all immediately became unionized and affiliated.

Mr. HARDY. Do I understand you want this amendment passed to help you fight the labor unions a little more advantageously?

Mr. THORP. No, sir; I do not; but I want to tell you the things that happened after this was done.

Mr. EDMONDS. Before the La Follette bill you were an open shop and now you are a closed shop?

Mr. THORP. Absolutely.

Mr. GAHN. I wish you would tell us how the bill has made you a closed shop.

Mr. THORP. Because, as I told you, we must have now a three-watch system in the fireroom. Last year, when we came to make our arrangements for 1920 with the seamen and the seamen's organization, we were forced by the seamen to put in a three-watch system, just the same as the firemen had, because we could not get the firemen—the firemen would not sign up until we did. And the law does not say that, gentlemen; we do not have to carry three watches in the forward end of the boat, but we are doing it now, simply because they told us they would not sign up unless we did it. That is what happened.

Mr. DAVIS. If the three watches are not required by the seaman's act, in what way does the seaman's act permit the unions to take that position?

Mr. THORP. We were unable to sign up with the other unions where it does require the three-watch system, because they were hand in hand, and they would not sign up until the three-watch system was put into effect in the forward end of the boat. That is what happened.

I want to tell you what happens under certain conditions. We had a steamer ashore a year ago in February, just north of Chicago. The boat had up steam; the boilers were working the entire time. She was ashore for three or four days. The firemen worked watch and watch; that is, the three-watch system. They were getting \$125 a month. And during the time the boat was ashore they did the firing of the boilers to furnish steam to the steam pump, to get that boat out of trouble. When we got into port and wanted to take the boat out after we had had her repaired, the firemen would not take that boat out until we paid them \$1.25 an hour for the time they fired to furnish that steam, although we paid them for the time they worked; paid them their wages. We could not get other men to replace those men because the other men on the boat said, "We do not go out unless the firemen get their money." That is all absolutely true, gentlemen.

Mr. EDMONDS. What was their reason for asking the additional \$1.25 a hour?

Mr. THORP. The only excuse they had was that they furnished the steam to the pumps to pump the water out of the hold of that boat instead of furnishing it to propel the boat. But they were getting the same pay as they would have been if the boat had been running and they had to stand the same watches as if the boat had been running.

Mr. DAVIS. Is that action on their part justified by any provision of the seaman's act?

Mr. THORP. No; but I am telling you since the seaman's act has come into effect it has put us into the power of the unions so that they make us jump through the hoop every damn time they get a chance.

Mr. DAVIS. In that connection, during the past six years, we will say, is it not a fact that the conduct of the unions in that regard has become general?

Mr. THORP. I only know about those connected with steamboating, and I know enough about them.

Mr. HARDY. You certainly know something of the general condition?

Mr. THORP. No; I don't, because I confine my efforts to steamboating.

Mr. HARDY. Don't you read the newspapers?

Mr. DAVIS. I am not taking issue with you on that point at all, Mr. Thorp, but what I am trying to differentiate is this: I want to know in what way the seaman's act has encouraged or permitted this coupling of the unions to which you refer?

Mr. THORP. I tried to make that clear at the start, that the act requires us to carry men that we did not carry before.

Mr. DAVIS. I understand that part of it.

Mr. THORP. And the larger number of men, and the fact that these unions discovered that we had to have a greater number of a certain kind of men, just as soon as they did that the trouble commenced.

Mr. DAVIS. You have complied with the law in that respect, have you not, as to the number of men, anyway?

Mr. THORP. Oh, yes.

Mr. SCOTT. If you will permit me: Before the law went into effect—the La Follette seaman's act—on the Great Lakes we employed men in consequence of their ability to run a ship. Now, since the law has been in effect we employ in consequence of their having an A. B. certificate from the seamen's union.

Mr. DAVIS. In other words, is that the manner in which it is determined as to whether he is an able-bodied seaman or not?

Mr. THORP. I will read you the law on that before I get through.

Mr. HARDY. Is there a provision in this law that requires a man to have a certificate from the seamen's union?

Mr. THORP. Oh, no.

Mr. HARDY. That is what Mr. Scott says.

Mr. THORP. He is wrong about that.

Mr. SCOTT. But they all belong to them; it is the same thing.

Mr. DAVIS. That is a regulation of the union and not of the law.

Mr. SCOTT. No. Before the law went into effect you could put on certificated lifeboat men. You were not required, under the law previously, to carry able seamen?

Mr. THORP. Only certificated lifeboat men.

Mr. HARDY. Before the law went into effect you were not required to employ men who knew anything?

Mr. SCOTT. No; all you had to do was to find men who knew enough to run the ship, and we did that for 50 years before the law went on the statute books.

Mr. HARDY. I think there is a whole lot to be said on that question, whether the boat owners should be the sole judges or whether they shall employ men who have been given some kind of a certificate.

Mr. THORP. There are certain affiliations since the seamen's act went into effect that require us to employ them and to give them practically two months each year, regardless of whether they work or not.

Mr. JEFFERIS. You say that is required in the law?

Mr. THORP. No, sir; it is not required in the law; but the organizations are affiliated and they say, "We won't sign up"—another

organization will say, "We won't sign up"—unless the other organization gets what they are after.

Mr. EDMONDS. The natural result of this was that after the seamen's act was passed, if you employed a man who had an able seaman's certificate from the inspectors the other men would not work with him unless he belonged to the union?

Mr. THORP. Oh, absolutely they would not.

Mr. EDMONDS. If you went out in a certain district and got a man there who had been an able seaman maybe 10 years ago and had a certificate and you wanted to employ him, the union would not allow him to come on your boat unless he joined the union?

Mr. THORP. I would not say that ever happened to our company, but I say we agree to employ nobody but members of the union. And they make us do that.

Mr. EDMONDS. How about your cooks; were your cooks members of the union, too?

Mr. THORP. They had just been organized at that time and we did not know it.

Mr. DAVIS. What amendment to the La Follette seamen's act would enable you to obviate that situation, even granting it is desirable?

Mr. THORP. I will read you the amendments.

Mr. HARDY. Would any amendment in the bill proposed force the seamen to abandon their union and to work?

Mr. THORP. Oh, no.

Mr. HARDY. Or force them to work in open shop or do anything if they did not want to?

Mr. THORP. Oh, absolutely not.

Mr. EDMONDS. You might put an amendment in that no man should be given an able seaman's certificate if he belonged to a union.

Mr. THORP. I will read you now some of the amendments.

The amendment to section 2: The substitution of a two-watch system for the three-watch system on runs of less than 16 hours certainly does not create a hardship. It simply goes back to what was the custom for years before the act was passed. The three-watch system does not in any way increase safety at sea. I have some figures here showing how long men work on certain runs of ours that I will be very glad to tell you about.

Mr. HARDY. You are discussing the reasons for the bill now.

Mr. THORP. Yes, sir. Section 3: The provision with relation to certificated lifeboat men we believe makes for safety at sea, for the reason that to become a certificated lifeboat man applicant must stand an examination as to qualifications, etc., which is very rigid. To obtain an able seamen's certificate all that is necessary is to be 19 years old and make affidavit that applicant has had at least three years' service on deck at sea or on the Great Lakes. Once an able seaman always an able seaman. There is no limitation as to time. A seaman a day after receiving able-seaman certificate may take employment ashore and not put a foot aboard a ship for 25 years or more and still be able to serve as an able seaman without examination of any kind either as to physical fitness or as to ability. Now, that is your law; you can not get away from it.

Mr. HARDY. You are complaining the law is not onerous enough.

Mr. THORP. What I claim is that that man who has stood an examination and is a certificated lifeboat man is just as good to handle

a lifeboat and in many cases a little better than the able seaman who takes no examination at all.

Mr. HARDY. Does the certificated lifeboat man have to have a certificate as of recent date?

Mr. THORP. No; but he takes an examination that an able seaman does not take.

Mr. HARDY. But having taken it once, his certificate is good always?

Mr. THORP. Yes, sir. But the unions did not like that when we started in, because we took those men from any department, and they did not like to see us take them from a department over which they did not have control.

Mr. HARDY. What is your objection to the able seamen's law?

Mr. THORP. I am giving you now why I think the amendment would take care of the situation, just as well or better than the old law does.

Section 4: The extension of the season, May 15——

Mr. DAVIS. Before you leave that: As I understand, your second proposed amendment is to permit the use of a larger number of certificated lifeboat men?

Mr. THORP. Yes.

Mr. DAVIS. What percentage do you suggest?

Mr. THORP. The amendment does not call for any per cent. I have not the bill in front of me but the amendment calls for relieving this necessity, or something to that effect.

Mr. DAVIS. In other words, in that respect you indorse the provisions embodied in Mr. Scott's bill?

Mr. THORP. Absolutely.

Mr. SCOTT. Of course, you understand this only applies to the Great Lakes.

Mr. THORP. We are only talking for the Great Lakes. The extension of the season May 15 to September 15 to May 1 to October 15, we believe to be a reasonable request. Certainly a steamer certificated for a certain passenger allowance, May 15 to September 15, must be equally as safe with the same allowance and equipment May 1 to May 15, or September 15 to October 15. The increase of the offshore distance, where it is now 3 miles, to 10 miles simply puts the limit back where it was before the present law became effective. Not once since the law became effective has an occasion arisen on the Great Lakes where the 3-mile limit would have made for any greater safety than the requested 10-mile limit.

Mr. DAVIS. Mr. Scott, was that the provision in the bill we all agreed on?

Mr. SCOTT. Yes; that is the provision that the committee unanimously reported last year.

Mr. DAVIS. We unanimously reported a bill out that passed the House, according those particular dates.

Mr. THORP. I recall that; but it did not become a law and we are now asking for it in the amendments we are asking at this time.

Sections 5 and 6. Referring to the size of rafts and certificated lifeboat men, the amendments increase safety rather than diminish it. It appears in more than one amendment, in sections 5 and 6. The same reasons apply as to certificated lifeboat men in sections 5 and 6.

Mr. DAVIS. In that connection, is there any difference in the wages received by certificated lifeboat men and able-bodied seamen?

Mr. THORP. The certificated lifeboat man may be taken from any department. He may be a higher paid or a lower paid man than the able seaman. Our masters hold the lifeboat men's certificate, and our engineers.

Mr. HARDY. The able seaman has to serve before the mast or on deck for a certain time, while the certificated man may come from the cook's department.

Mr. THORP. He does not have to, but it simply says he may.

Mr. HARDY. I am talking about the law. The lifeboat man can come from the cook's department or anywhere else.

Mr. THORP. Yes; or the engineers, too.

Mr. HARDY. Providing he has a certificate?

Mr. THORP. Yes.

Mr. CHINDBLOM. The Secretary of Commerce issues the certificate, does he not?

Mr. THORP. No; certain people are designated to issue those certificates under the Department of Commerce.

Mr. CHINDBLOM. That is what I mean; it is under the Secretary of Commerce.

Mr. THORP. The Coast Guard does it in some cases and the inspectors do it in others.

Mr. SCOTT. This particular section you are referring to now, section 5, relates entirely in the La Follette Act to the handling of lifeboats and life rafts?

Mr. THORP. Yes; I think so.

Mr. JEFFERIS. Are those certificated lifeboat men unionized, too?

Mr. THORP. They are; yes, sir.

Mr. JEFFERIS. Does that come in one of the five unions?

Mr. THORP. Yes, sir. I want to say this, that in one of our unions the men come and go and we have to take men and do take them with the approval of the union on a week's probation. We can have them a week before they have to join the union, to see whether they are going to stay or not. That is our present arrangement with the union. They are on probation, in other words, for one week.

Mr. JEFFERIS. What particular union is that?

Mr. THORP. Stewards and cooks.

(The committee thereupon took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

The committee reassembled at 2.30 o'clock p. m., pursuant to the taking of recess.

Mr. KIRKPATRICK. I was going to ask the witness one question that might clear up something in my mind. Mr. Thorp, before the seamen's bill, we will say a boat of a certain kind had to carry 15 men.

Mr. THORP. Yes, sir.

Mr. KIRKPATRICK. What was to prevent all or any considerable number of those 15 men striking, becoming unionized and holding you up, or enforcing their demands just as easily before you added the additional 3 or 4 men as afterwards?

Mr. THORP. The act strengthened the unions to the extent that we could not get anybody but union men. We got men in the unions

that were not in before when we were able to go out in the open market, and we did run an open shop largely.

Mr. KIRKPATRICK. Then it is not the provision adding the additional men which you are objecting to so much as the requirement——

Mr. THORP. The few dollars cost for those few men is a small portion of our troubles. It is because of the fact, as I told you this morning, of the many things that happened to us that were only able to be put over because of the fact that we were operating under a five-union control.

Mr. KIRKPATRICK. It is the requirement as to the character of the men rather than the number?

Mr. THORP. Yes, sir. There has been too much stress placed on the number of men. It is what those men do to us when they get us in their power. That is what hurts us. That is what has made all the trouble for us.

Mr. DAVIS. Do not most of the transportation companies on the Great Lakes run on the closed-shop basis?

Mr. THORP. They have to do it on the passenger boat lines; yes, sir; but on the freight boat lines, no. There is an organization up on the Great Lakes known as the Lake Carriers' Association that has absolutely an open shop, and the unions have never been able to touch them in any way, shape, or manner. They will tell you that they have, but they have not. They may have union men aboard their boats, but they are not recognized, nor do they do any business with any union at all, and one company alone owns 98 ships, and the bulk freight of the Great Lakes is carried in open-shop steamers. The freight boat lines have kept these unions like that. They could tie our tails when they could not tie the other fellow's.

Mr. DAVIS. What are the conditions that have made the situation in that respect different with the passenger lines from what they are on the freight lines?

Mr. THORP. I will tell you. For one thing, the freight lines were very large and powerful and organized financially and otherwise. They could anticipate the unions, and they have always given a better scale of wages and better conditions than the unions could ever give them. They have anticipated the union men by paying more than the union scale, for one thing, and they were able to do it in this way: This one organization has 98 ships. I do not suppose there is in that company one ship that carries less than 4,000 or 5,000 tons and up to 14,000 or 15,000 tons. We have to file our rates with the Interstate Commerce Commission, and also with the Shipping Board. They did not get this in right this morning. Some of these people are not entirely posted as to who governs on rates. Mr. Scott made a wrong statement this morning. With the Interstate Commerce Commission we file rates on joint through rates with the railroads. The Interstate Commerce Commission has no jurisdiction over our port-to-port traffic, although we do file our rates with them, both freight and passenger, but we have to file with the Shipping Board to-day, and they have full jurisdiction over our port-to-port traffic and the rates governing that traffic.

Mr. DAVIS. Has the Shipping Board undertaken to regulate those rates?

Mr. THORP. Regulate the rates?

Mr. DAVIS. Yes; when you have reported to them, have they required any reduction or suggested any increase?

Mr. THORP. They have allowed practically the increases allowed the railroads by the Interstate Commerce Commission, but our original tariffs filed with the Shipping Board were about, I would say, exactly the same as they existed under the Interstate Commerce Commission before the board had control. But the Shipping Board has no control over interstate rates; that is a joint through rate for rail and water. The port-to-port traffic, whether it is from State to State or not, is not under the jurisdiction of the Interstate Commerce Commission, but the Shipping Board.

Mr. EDMUNDS. That is what I was trying to say.

Mr. THORP. Absolutely.

Mr. DAVIS. Does this particular open-shop company you speak of pay higher or lower wages than the union companies?

Mr. THORP. They usually anticipate the unions and pay higher wages.

Mr. DAVIS. Are they doing that to-day?

Mr. THORP. They have not given out their scale of wages for this year, and they are not operating yet. It is a little early.

Mr. DAVIS. They do not pay higher wages than the union wage?

Mr. THORP. Yes, sir. But allow me to say this, that the minute they make their scale of wages—and the unions usually wait until they have made it—they are camping on our doorstep the next morning saying, "This is your wage scale." That has happened more than once. And I want to tell you this, that they have even made it retroactive with us, coming in the day after the wages went into effect and telling our men that they need not come to our office—"Your wages are so-and-so; they are such-and-such a day." I will take an oath that that is a fact.

Mr. EDMONDS. This large shipowner is, of course, a steam company?

Mr. THORP. That is the particular one that I refer to; but there are many other lines. There is the Hudson Steamship Line, the Maple Fleet, and a lot more that are in the same organization of Lake carriers.

Mr. EDMONDS. But they do not carry the kind of material that you do; they carry truck cargo stuff?

Mr. THORP. That is what I say. I started out to say this—

Mr. EDMONDS. They do not have the competition that you do?

Mr. THORP. They do not file rates at all. They have no competition in general classes; and if they pay a wage that is higher than the union scale or any scale they see fit to pay, they would raise their rates enough to absorb that; but when it is figured on a ton of manufactured steel, you do not need to notice it at all.

Mr. SCOTT. But all those ships of which you are speaking have the long haul, and haul from the upper peninsula or Lake Superior?

Mr. THORP. Some of them, and some from Ashland down to Lake Erie ports—most of them from Lake Superior to Lake Erie ports. The increased cost of operating that ship does not mean anything in the case of a ton of manufactured steel, or hardly anything, and they can afford to do it, and they do do it; and that is the way they have been beating the unions that I am talking about now, absolutely.

Mr. EDMONDS. But you have got competition to meet on your line?

Mr. THORP. Yes, sir; we have got to file our rates, and they have got to be approved, and we have got to file them in advance, and we never know then that we are going to be able to get them. We have got to file notice that we are going to file with the board.

There is one thing that I did not tell you this morning, and I want to state that the Goodrich Transit Co. has been in business over 60 years, and we operate the year round. We do not stop at all, except when the weather is very bad and the ice conditions stop us, and that does not always occur. We attempt to operate 365 days of the year, and during this last winter, this winter last past, we had a boat either going or coming between Chicago and Milwaukee every night except Sunday night, and we had some across the lake to Grand Haven and Muskegon. We operate now two boats during the winter months, and we used to operate four up until two years ago, but we found that we could not make it pay, and it did not pay. We have curtailed our service during the summer months and we have abandoned some service altogether.

Mr. BRIGGS. Why can you not make it pay?

Mr. THORP. Because the revenues derived from the operation of those ships are not sufficient to pay the running expenses.

Mr. BRIGGS. Was it because of the cost of operation or was it because of a lack of cargo during this period?

Mr. THORP. We have had all the cargo we could take care of as a general thing. The revenue from that cargo did not pay the cost of operating. Some years ago we used to have what was known as a winter scale of wages, and the supply and demand was what we figured on, and we could——

Mr. BRIGGS. What are your operating costs? Just give the committee a statement as to what the operating costs of your vessels are and the number of men you have now and what you used to operate with.

Mr. THORP. I have not any figures on that. We have five or six different types of ships, and it depends upon the season of the year to some extent as to what it costs.

Mr. BRIGGS. Can you not give some general idea of it for the benefit of the committee?

Mr. THORP. I will say that we have one boat that cost us \$1,800 a day to operate last year.

Mr. BRIGGS. Of what does that consist—how much for crew, how much for fuel, etc.?

Mr. THORP. I have not the figures with me.

Mr. BRIGGS. Can you give us some general idea?

Mr. THORP. There are people here who will tell you what it is costing to operate the ships on the Great Lakes. You will get that in the later testimony.

Mr. BRIGGS. But you have no general idea of the approximate cost of operations?

Mr. THORP. We have different types of ships on different runs, and they operate under different conditions.

Mr. BRIGGS. Does not your cost sheet show how much of your cost for operation is chargeable against the crew, for instance, how much against fuel, how much for food, and how much for repairs and upkeep?

Mr. THORP. I want to tell you this: We have to keep our accounts in accordance with the Interstate Commerce Commission's classification accounts. The Interstate Commerce Commission has got all that stuff, but we have to keep our accounts in accordance with the classification accounts, and they show the divisions of everything.

Mr. BRIGGS. You do not know what those are?

Mr. THORP. I can not give it to you offhand; no, sir; it would be impossible. I do not make up those figures. There are a great many other figures besides those.

Mr. BRIGGS. I mean, is the crew cost half or more than half of your other operating expenses?

Mr. THORP. It is about $33\frac{1}{3}$ per cent of the cost of operation of the ship.

Mr. BRIGGS. How much?

Mr. THORP. About $33\frac{1}{3}$ per cent

Mr. BRIGGS. How much for repairs? What proportion of the expense is that, in round figures, as estimated the best you can?

Mr. THORP. It does not run the same each year—repairs and maintenance. We put a great many things into maintenance that sometimes are taken out. We were just checked up here by the Internal Revenue Department the other day on our income tax, because we can not agree on what is maintenance and what is not maintenance.

Mr. BRIGGS. I was not asking you for the details, but I was just asking you for the general percentage in round figures.

Mr. THORP. There is no general percentage.

Mr. BRIGGS. How much of the operating costs is your fuel bill, ordinarily; 25 per cent?

Mr. THORP. The three big items in the operation of a steamboat are wages, fuel, and food, and they run about alike.

Mr. BRIGGS. Run about alike?

Mr. THORP. Yes, sir.

Mr. BRIGGS. That is what I was trying to get at; about $33\frac{1}{3}$ per cent?

Mr. THORP. Yes, sir.

Mr. HARDY. You mean, they run uniformly; but those three are not all equal, are they?

Mr. THORP. Yes; about one-third each.

Mr. HARDY. Then you have a whole lot of other expenses, which would make each one of them less than $33\frac{1}{3}$ per cent? You have certainly got a whole lot of expenses besides those three items?

Mr. THORP. Those are the three that are by far the largest. What other expenses have we?

Mr. HARDY. I supposed that you would consider that your investment was worth something by way of interest, if you want anything on it.

Mr. THORP. We do not charge interest.

Mr. HARDY. You do not allow anything for the use of them?

Mr. THORP. No, sir; we do not.

Mr. HARDY. You do not have repairs?

Mr. THORP. We have repairs; yes, sir. They go into the maintenance account.

Mr. HARDY. You have no bonds to pay interest on at all?

Mr. THORP. We happen to have right now a bond for this last year.

Mr. HARDY. You do not write off anything for depreciation?

Mr. THORP. Yes, sir; we do. We are compelled to do that by the Interstate Commerce Commission's classification accounts.

Mr. HARDY. Would you leave the impression that there are no other expenses except labor?

Mr. THORP. I gave them to you already—the expenses.

Mr. HARDY. There is no operating expense, except, labor, fuel, and food?

Mr. THORP. I said those are the principal ones. The others are minor matters—very minor.

Mr. ROSENBLOOM. Is insurance a minor expense?

Mr. THORP. Yes, sir; it is quite so. Talking about insurance, insurance is procurable for the 12 months of the year, and we do carry our insurance all the time on our boats that we operate in the wintertime.

Mr. EDMONDS. I hope you insure in an American company.

Mr. THORP. No; it is utterly impossible to get it in an American company. We find that you can not get rates from American companies until Lloyds establish their rates, and American companies are very prone to follow Lloyds.

Mr. HARDY. Am I right in my recollection that you stated that, practically, you had to charge the same rates for freight that the railroads do?

Mr. THORP. That we had to?

Mr. HARDY. Or that you did do it?

Mr. THORP. I do say that where we are operating now we are getting rail rates, and for two years back on the route where we carried most freight we got higher than rail rates.

Mr. HARDY. Now, you state that you get either the rail rates or higher than the rail rates, and have all the cargo you can carry, and yet you can not make your boats pay.

Mr. THORP. I did not say that.

Mr. HARDY. Did you not say specifically that you had practically all the cargo you could carry?

Mr. THORP. I did not say we could not make them pay. I do not think you will find that in the record anywhere.

Mr. HARDY. I thought you said you were laying off some of your boats because they did not pay.

Mr. THORP. Two years ago; yes, sir; we did. We have curtailed our service, and we have abandoned certain service absolutely.

Mr. HARDY. Did you not state that it was because they did not pay?

Mr. THORP. Because they did not pay.

Mr. HARDY. That the operating expenses were greater than the income?

Mr. THORP. Yes, sir.

Mr. HARDY. Was that when you were charging railroad rates and had a full cargo?

Mr. THORP. It was when we were charging railroad rates. We did not have full cargoes both ways; no, sir.

Mr. HARDY. I thought there was some misapprehension or some mistake somehow, if you were charging full railroad rates and had full cargoes.

Mr. THORP. When we were charging full railroad rates we did have all the freight we could handle.

Mr. EDMONDS. But for many years you have given express service and the railroads have not?

Mr. THORP. Absolutely. The people bring their freight down to us; we close our doors at 6 o'clock, and at 6 o'clock the next morning the Milwaukee teamsters get their green stuff. Last night we probably had 50 or 60 tons of green stuff from Milwaukee, and it was ready for delivery this morning at 6 o'clock.

Mr. HARDY. I do not understand what you mean by express service.

Mr. EDMONDS. They give the equivalent of what would be express service on the railroad at regular freight rates instead of express rates. In other words, they use the ordinary railroad rates, but their service is equivalent really to an express service, and that is the reason they get the business.

Mr. CHINDBLOM. You may make it stronger than that. You may say that they are getting a passenger service for their freight, because they carry it on the same boats with their passengers, whereas if you send it by rail you have freight service, with the attendant delays in the running of freight trains.

Mr. SCOTT. But you are limited in your passenger service now; at least you are in the wintertime.

Mr. THORP. Yes.

Mr. SCOTT. You can not carry on your boats their capacity in passengers?

Mr. THORP. No.

Mr. SCOTT. If you could carry on your boats their capacity in passengers, would it be an attractive investment?

Mr. THORP. Frankly, Mr. Scott, I do not want to say anything that is not right. We would not get the passengers, all that we were allowed, but we are carrying them now. We have had as high as 120 people crossing the lake within the last two weeks, but that boat is allowed, I think, at the present time 268, and during the summer months she will be allowed 1,200 or 1,300.

Mr. BRIGGS. In the operation of your vessels, I would like to ask you, have they been operating at a profit, generally, within the last two years?

Mr. THORP. Not at all times. I want to say that there has not been a passenger boat built on the Great Lakes in five years—since 1915. That question was asked this morning. That was the last passenger boat that was built on the Great Lakes. There were seven passenger and freight lines to Chicago, and up to a year ago not one had paid a dollar in dividends to the stockholders in five years, and the first that was paid was paid out of the sale of capital assets, and not out of the operating profits. Boats were taken by the Government and boats were sold.

Mr. BRIGGS. How about your vessels generally? Have they paid or not?

Mr. THORP. Not all; no, sir. We have vessels that for the last five years have been showing red figures.

Mr. BRIGGS. On the passenger business?

Mr. THORP. On the whole thing, I mean; as a whole.

Mr. BRIGGS. On your whole passenger business?

Mr. THORP. Our whole operations for the year have been in red figures.

Mr. BRIGGS. In the last five years?

Mr. THORP. Yes, sir; and I am telling you that we did not pay a dividend from 1915 up to 1920; 1920 was the first dividend.

Mr. BRIGGS. You did pay one last year?

Mr. THORP. Yes, sir; but all previous to that we did not pay anything. We paid in 1919, but it was out of the sale of capital assets. The boats were taken—one was commandeered—and we sold the boats.

Mr. ROSENBLOOM. Did you pay any dividend prior to 1919?

Mr. THORP. The company has been in existence for 60 years, and I should hope that we have paid some profit in that time.

Mr. ROSENBLOOM. I appreciate that, but I am asking for information.

Mr. THORP. Certainly. We could not have existed otherwise.

Mr. ROSENBLOOM. When was the last dividend the company paid prior to 1915?

Mr. THORP. I have not those figures with me.

Mr. ROSENBLOOM. You are connected with the company, I suppose?

Mr. THORP. Yes, sir.

Mr. ROSENBLOOM. And you spoke about when they did not pay them. Tell us when they did pay them.

Mr. THORP. I can not give you the years.

Mr. ROSENBLOOM. Will you get that for us?

Mr. THORP. Yes, sir; I can.

Mr. ROSENBLOOM. I wish you would do that. Since you have seen fit to make that statement, let us have the dividends paid during the life of your company. What I want to get at is this, whether or not this seamen's act in 1915 stopped your dividends or whether they had stopped prior to that, by reason of the investment in capital assets, as you call it.

Mr. SCOTT. How far back, to 1915?

Mr. ROSENBLOOM. Say in 1905. Just show what dividends they paid prior to that.

Mr. THORP. There is one of our principle lines on Lake Michigan that has been in the hands of a receiver ever since 1915.

Mr. HARDY. Did it go in in 1915, or before that?

Mr. THORP. In 1915.

Mr. CHINDBLOM. What line is that?

Mr. THORP. The Graham & Morton Transportation Co.

Mr. HARDY. What time of the year did it go in?

Mr. THORP. I think about October.

Mr. BRIGGS. What was the reason for that passenger-ship company going into the hands of a receiver?

Mr. THORP. Because of the fact that they did not make enough money to pay their operating expenses.

Mr. BRIGGS. I understand they were not making money enough, but why was it—because of the falling off of the passenger business or because of this alleged extra number of men in the crew that you claim?

Mr. SCOTT. One of the members of that company is here. Mr. Thorp is not in that company, are you?

Mr. THORP. No.

Mr. SCOTT. He is here.

Mr. BRIGGS. That was not one of his companies?

Mr. SCOTT. No.

Mr. BRIGGS. I want to ask you about the freight companies. How many of your freight carriers did not make any money?

Mr. THORP. We have no strictly freight carriers.

Mr. BRIGGS. Your boats are combination freight and passenger boats?

Mr. THORP. Some are and some are not.

Mr. BRIGGS. On the whole, what have they been doing altogether? Have the operations of your fleet shown a profit?

Mr. THORP. I have already said that in the last five years we have had red figures in our entire year's operation.

Mr. BRIGGS. Of all your vessels?

Mr. THORP. Yes, sir.

Mr. BRIGGS. You attribute that, do you, to the seaman's act?

Mr. THORP. I attribute it in a great measure to the seamen's act; yes, sir.

Mr. BRIGGS. Well, to what extent?

Mr. THORP. I do not know that I could get down to percentages on that thing, because I told you this morning that the teeth of that bill do not show in the few people you put aboard that ship. It is the things they can do because of the fact that they have got you in their power.

Mr. BRIGGS. May that not arise, whether you have the seamen's act or not?

Mr. THORP. I do not say it would not, but it never did. That is the point I want you to distinctly understand.

Mr. BRIGGS. I am talking about other industries. Might not this situation have occurred without any seamen's act or any law of that kind?

Mr. THORP. I do not think it would necessarily. I will just give you one illustration on that. Since the seamen's act went into effect one organization particularly—and there were two about the same—have seen fit to say, "It does not make any difference how long your boat operates, you must pay your men for 10 months." We had boats operating 75 days, and we are compelled to pay those men by the organization for 10 months' work, whether they work or not. We had one particular boat that is a strictly passenger boat, in the excursion business, that operates 75 days. We have had to pay the first officer on that boat \$2,750 for that 75 days' operation, and he does not work at any other time.

Mr. BRIGGS. What I am talking about, Mr. Thorp, is the operation of the seamen's act. I am not speaking about your relations with the union, I am speaking about the seamen's act.

Mr. THORP. But those relations with the union organization were brought about by the seamen's act. That is what I want to make very clear.

Mr. BRIGGS. I understand that is part of your contention here, but there is a certain specific——

Mr. THORP. Nevertheless, it is true that it is a condition that we have been up against.

Mr. BRIGGS. In this bill are being offered certain amendments to the seaman's act.

Mr. THORP. Yes.

Mr. BRIGGS. You are claiming, as I understand it, that these identical provisions which are being sought here are such as will give you the relief which you seek, and the relief to which you claim you are entitled. Now, I understand that a large part of your argument here is along the line of your relations with the unions, irrespective of these identical provisions that you are seeking to have by way of amendment to the seamen's act. What I am asking about is to what extent these identical provisions here are affecting your business. These provisions provide, as I understand it, for a longer seasonal operation on the Great Lakes. That is one of the provisions?

Mr. THORP. Yes, sir.

Mr. SCOTT. That will relate to revenue?

Mr. BRIGGS. Yes; that is what I am talking about.

Mr. SCOTT. Now, take up the amendment in my bill which allows them to employ licensed, certificated lifeboat men, in lieu——

Mr. BRIGGS. I am going to take up one at a time, one after another. As I understand it, the bill, as introduced in the last session, had that one provision?

Mr. SCOTT. And I put it in in order to get it through, at the solicitation and suggestion of the unions.

Mr. BRIGGS. I am just trying to get before the committee the estimate of the savings, etc., and the effect it will have upon the operation of vessels on the Great Lakes. Will this provision with regard to a longer seasonal operation enable you to operate your vessels continuously, or where you are accustomed to operating them, at a profit?

Mr. THORP. It ought to; yes, sir.

Mr. BRIGGS. You have been operating during this past year your passenger vessels, though, at a profit, irrespective of this change?

Mr. THORP. We had an exceptional year.

Mr. BRIGGS. What was the dividend you declared?

Mr. THORP. Last year?

Mr. BRIGGS. Yes, sir.

Mr. THORP. Ten per cent. I want to say this, that this time last year you could not get steamboats enough to carry the freight. We had a rail strike, if you remember, just about this time last year, and we were swamped with business, and much of it we could not handle and had to turn it away, and it did bring in a great deal of money that we are not getting now. I am not talking on the supposition of what we are going to do. We have been in operation all winter; we have not lost a day, and we are not carrying 50 per cent of the tonnage that we did a year ago.

Mr. BRIGGS. That is true pretty much of American ships in foreign trade, is it not?

Mr. THORP. We do not know anything about the marine service. We are telling you about the Goodrich line's own business. I know about that.

Mr. BRIGGS. I am talking about the conditions that obtain in the world commerce to-day. There is a stagnation in all commerce on water to-day.

Mr. THORP. Then, I suppose we should have no relief on that account?

Mr. BRIGGS. That is not the point. I am speaking about the general conditions, and you are charging certain specific things. This

committee certainly expects some evidence along those lines to show that the conditions of which you are complaining are depriving you of relief. To what extent do you expect to make a difference, if this committee should recommend the extension of the season, in the returns your business would gain?

Mr. THORP. I have not figured it out. I can not say how much business we are going to get from the extension of the season. That is problematical, as to what business we would get or whether we could fill our boats under the present allowance. I do not know what we might turn away because of an excess of business after a given date. We can not tell.

Mr. BRIGGS. What is your best season for passenger business?

Mr. THORP. July and August.

Mr. BRIGGS. Does your passenger business begin to fall off materially after that time?

Mr. THORP. Quite considerable; yes, sir; because on our work, where we carry the most people between Chicago and Milwaukee, on a day excursion boat, and that business is really confined to about the school vacations, but we have a service across the lake to Grand Haven and Muskegon, where we operate the year round.

Mr. BRIGGS. I mean, so far as the present operation of the act is concerned, does that interfere with the number of passengers that normally apply for passage?

Mr. THORP. We have found at times that it did; yes, sir; we have turned people away.

Mr. BRIGGS. To what extent has that been?

Mr. THORP. That has not been heavy, it has been small, but it is a fact that we have turned people away; but there are routes on the Great Lakes that are much more affected by that particular amendment than we are.

Mr. BRIGGS. As far as you are concerned, it does not make such a great difference?

Mr. THORP. It is not such a great thing.

Mr. BRIGGS. The second amendment in here is the one on which you rely a great deal, that is the reduction in the number of men in the crew, is that it, and the hours of service?

Mr. THORP. I have said at the start that the number of men that are put down there, the increase of the crew, is a small proportion of the harm done by the bill itself, very small. It is the thing that you can not see that is hurting us.

Mr. ROSENBLOOM. Then, you see no specific harm is involved in this amendment, do you?

Mr. THORP. Yes, sir; I do.

Mr. ROSENBLOOM. Would you like to have the whole bill repealed, then?

Mr. THORP. No, sir; I have not said so.

Mr. BRIGGS. You are not after the repeal of the whole law, but you do not think this will do much good?

Mr. THORP. I do not know whether you would care to have me read the amendment, and some of the reasons why. I read this this morning.

Mr. HARDY. Did I understand you to say that you had a particular vessel that you operated only 75 days, but you were compelled to pay the crew for 10 months' work?

Mr. THORP. Yes, sir; I did.

Mr. HARDY. What is the name of that vessel?

Mr. THORP. The *Christopher Columbus*.

Mr. HARDY. How many members of the crew are there?

Mr. THORP. There are three engineers, a master, and two pilots.

Mr. HARDY. That makes six, altogether.

Mr. THORP. Yes.

Mr. HARDY. And in order to run that vessel 75 days, you have got to pay them 10 months' wages?

Mr. THORP. Yes, sir.

Mr. HARDY. You pay one man \$1,700?

Mr. THORP. Yes, sir.

Mr. HARDY. What do you pay the others?

Mr. THORP. \$1,600 to the first officer, \$1,400 to the second officer.

Mr. DAVIS. Has that been customary all along?

Mr. THORP. No, sir.

Mr. DAVIS. How recently?

Mr. THORP. Only since the seamen's act went into effect. It was not the custom previous to that.

Mr. BRIGGS. Before the seamen's act went into effect, did you just pay them for the time actually worked?

Mr. THORP. Yes, sir.

Mr. BRIGGS. What would they do during the remainder of the year, as far as you know, generally speaking?

Mr. THORP. Many of them get positions on other ships where there is a shortage of men. Two different men have worked. One of them worked in one of the commercial houses in the shipping department. There were at least three men that I know who did. One worked for an automobile company.

Mr. HARDY. What did you pay to the other three men? You paid one \$1,700, one \$1,500, one \$1,400, and what did you pay to the other three men?

Mr. THORP. I do not know whether I have the salaries during this last year or not.

Mr. HARDY. I want to talk about that particular boat.

Mr. THORP. We have other boats.

Mr. HARDY. I want to get one at a time.

Mr. THORP. I understand that. But we have other boats that we have had to do the same thing with. I do not know whether I have the figures relative to the engineers, but I happen to have the captain's, and I know just what they are. But that applies to every boat.

Mr. HARDY. How many boats have you got that operate only 75 days where you pay 10 months' wages?

Mr. THORP. We have two, and then we have two that we operate under four months, that we have to pay a season's salary to.

Mr. HARDY. You have two that you operate only 75 days, and two that you operate under four months?

Mr. THORP. Under four months.

Mr. HARDY. And pay 10 months' salary to all of them?

Mr. THORP. Yes, sir.

Mr. HARDY. And you call that the work of the bill?

Mr. THORP. I say it never happened until the seamen's bill went into effect.

Mr. HARDY. When did it first happen?

Mr. THORP. It has been going up gradually since the seamen's bill went into effect. I find that I have not the engineer's card previous to 1918 here, but they get out a card which shows every passenger boat on the Great Lakes, and it states right in there the length of time the engineer must be employed.

Mr. HARDY. How do they make you pay this? They just tell you they will not work for you at all unless you pay them 10 months?

Mr. THORP. Yes, sir; they lay this down before us.

Mr. SCOTT. What would have been the effect if you did not pay them the scale they specified?

Mr. THORP. These men are licensed officers; licensed by the Government. We could not go out and get them. They belong to an organization. The mates, the men, the pilots, and the engineers have their organizations, and we do not have a chance to talk to our men as to whether they will work for less wages. We have to talk with the business agent of the unions. That is the only way we can get anything.

Mr. SCOTT. If you do not pay them, they would not go to work?

Mr. THORP. They say so.

Mr. HARDY. Were they ready to do any other kind of work for you during the balance of those 10 months? Were they willing to do any other kind of work for you?

Mr. THORP. I presume they would if we had the work for them, but we do not have work for them; but we are compelled to pay them 10 months whether we have it or not. It is the same with the masters and the mates.

Mr. DAVIS. Mr. Thorp, so far as you know, is there any opposition on the part of the traveling public to the requirements of the seamen's act with regard to life-saving equipment?

Mr. THORP. I have never heard of it, and I never heard of the traveling public asking for anything different from that which was carried previous to the seamen's act, when the Steamboat-Inspection Service had all to say about what we should carry in crew and equipment, and I think they are perfectly competent to say how much we should carry.

Mr. DAVIS. Mr. Scott, do you know of any opposition on the part of the general public?

Mr. SCOTT. There has never been any opposition. The only thing that has been called to my attention ever since I have been in Congress has been the insistent, uninterrupted demand on the part of my constituents to get this law repealed as far as its fallacious provisions are concerned, which pretend to protect life and do not, and in order that the passengers, the people who ride in Michigan, may take advantage of the boats and the waters that are there at their door, and which they are precluded from taking advantage of in consequence of the summer tourist trade, which fills our ships, and the handling of the summer tourist trade is over then; but under the provisions of the law these ships are taken off and our people who live in that country can not get any benefit therefrom. I have never had one line from a union man or one line from a farmer or one line from a living soul in my district objecting to the provisions of my bill. I presume that I will now since these fellows here from

the unions are representing them. They will probably wire up there. But every one of my papers has been carrying this stuff for months; yes; and they have carried it for the last two or three years, but I have never had any suggestion from a living soul that the law be left as it is. Every one of them insists on its being changed so that we can use our ships.

Mr. HARDY. On this boat that you have these employees on you have got a master and mates that you pay \$2,700, \$1,600, and \$1,400, respectively, the three highest, and the others you have not named. Do you want the law to permit the operation of that vessel without the certificated officers?

Mr. THORP. They can not do that. No, sir; I should say not; we certainly do not; we want competent men to handle the ships.

Mr. HARDY. Is it not a fact that you are required to get certificated officers, and is not that the thing that makes it difficult for you to meet the requirements of the law? You could hire these men if you did not have to get qualified men, could you not?

Mr. THORP. We secured those same six men previous to the seamen's act, but we did not have to pay them a certain number of months per year.

Mr. HARDY. Now, then, as I understand, you employ these same men, or the same number on the same boat, but since the seamen's act they have compelled you through the unions to pay them for 10 months instead of 75 days?

Mr. THORP. Yes, sir.

Mr. HARDY. What is there in the seamen's act that enabled them to do that?

Mr. THORP. It has brought those unions into affiliation.

Mr. HARDY. The seamen's act brought the union into affiliation?

Mr. THORP. Yes, sir.

Mr. HARDY. What line of it do you claim did it?

Mr. THORP. What line?

Mr. HARDY. Yes; what line of the seamen's act?

Mr. THORP. Previous to the seamen's act these men were not organized, and they have organized since then. They have found that the other unions that were organized were able to get more money from us for their work, because we had to have a certain kind of man with a certain kind of qualification, and we could get nothing but union men.

Mr. HARDY. Do not your boat people have organizations for their own preservation and looking after their own interests—the boat owners?

Mr. THORP. They may have had.

Mr. HARDY. Do you not think it is human nature that these workmen who are working for you should organize?

Mr. THORP. I have no objection to their organizing; no, sir.

Mr. HARDY. Do you think the seamen's bill had to create that human nature, or was it there?

Mr. THORP. No; it was not there.

Mr. HARDY. As I understand you, on this very vessel, under this inspection service, you had to have the six men before the seamen's bill.

Mr. THORP. These particular men.

Mr. HARDY. You had to have them under the seamen's bill, with certain requirements and qualifications, to which you are not objecting, and yet you say the seamen's bill is the cause of the trouble.

Mr. THORP. I still maintain it, and I will never change my mind.

Mr. HARDY. Of course, every man is entitled to his own conclusions.

Mr. THORP. We are up against it every day. I shall never change my mind. I think nobody can change me on that, because I told you this morning of some experiences we had with union labor and which we would not have had if it had not been for the seamen's act.

Mr. HARDY. I know you have expressed that opinion quite frequently.

Mr. SCOTT. Do you not carry more men on the *Christopher Columbus* now than you did before the seamen's act?

Mr. THORP. We do.

Mr. SCOTT. Mr. Hardy said you have got the same six men.

Mr. HARDY. I am taking what he said.

Mr. SCOTT. But that is a misstatement.

Mr. HARDY. I asked him how many he carried before the seamen's bill went into effect and he said six; did you not?

Mr. THORP. No, sir; I said those six men, and I then recited, if you please, what we pay certain six men on that ship. You asked me if we had those men before the seamen's act, and I said, "Yes sir; we did, and we still have got them," but the question has never been asked me yet whether we have not increased our crew, and I want to tell you that we have increased our crew, but not in this particular department.

Mr. HARDY. Are those the only men you carry for 10 months?

Mr. THORP. Yes, sir.

Mr. HARDY. And you have had these same six men or the same six places filled before the seamen's act?

Mr. THORP. Yes, sir.

Mr. HARDY. But now you say you have to carry more men under the seamen's act?

Mr. THORP. Yes, sir.

Mr. HARDY. You do not have to carry them when you are not operating?

Mr. THORP. No, sir.

Mr. HARDY. You only carry them 75 days?

Mr. THORP. Yes, sir.

Mr. HARDY. So the men you are forced to carry 10 months while you work them only 75 days are the same men in the same positions that you had before the seamen's act?

Mr. THORP. Yes, sir.

Mr. DAVIS. Is it your contention that the increase in personnel required by the seamen's act reduces the relative supply and consequently competition for places, and that that is what has caused your trouble?

Mr. THORP. That has to do with it; yes, sir.

Mr. CHINDBLOM. In order that the record may not show that the *Christopher Columbus* runs with a crew of six men—those of us who have traveled on it, of course, know that that is not so—what is the total crew of the *Christopher Columbus*?

Mr. THORP. One hundred and fifty.

Mr. HARDY. Then the number that you keep 10 months is a very small proportion of the crew?

Mr. THORP. Yes, sir.

Mr. HARDY. About 4 per cent?

Mr. THORP. Yes, sir.

Mr. CHINDBLOM. But that is only an excursion steamer that runs from Chicago to Milwaukee and back again?

Mr. SCOTT. You had 150 men on board?

Mr. THORP. Yes, sir.

Mr. SCOTT. She is a passenger boat and not a war vessel, is she?

Mr. THORP. She does not carry a pound of freight, either.

Mr. SCOTT. From the number of people you employ, it would sound like the complement of a warship. I did not know whether that was so or not. How many did you carry previous to this law, when you were operating for the benefit of the public and for a fair return to the investors?

Mr. THORP. It increased the fire-hold crew 50 per cent; it increased the able seamen considerably more than that. I do not know the exact amount, but the requirements of the bill increased the fire-hold crew of every passenger boat on the Lakes 50 per cent.

Mr. JEFFERIS. What do you mean by the fire-hold crew?

Mr. THORP. The firemen, oilers, water tenders, and coal passers.

Mr. HARDY. This particular boat is a passenger boat?

Mr. THORP. Yes, sir.

Mr. HARDY. What does the bulk of that 150 men consist of? Is it the steward's department?

Mr. THORP. Quite so.

Mr. HARDY. Does the seamen's act require you to increase the steward's department?

Mr. THORP. No; but I will tell you what it has done: It has required us to pay the steward's department a great deal higher wages.

Mr. HARDY. Does the seamen's act fix your wages?

Mr. THORP. Yes, sir.

Mr. HARDY. I personally do not recall anything in it that does that.

Mr. THORP. I think I have said several times to-day that there are a lot of things that we are up against that are not in that bill.

Mr. HARDY. What proportion of the crew on that vessel you speak of belongs to the steward's department? You run quite a dining table, do you not?

Mr. THORP. Yes. Evidently you have had some information from the corner. Probably there are 100 men in the steward's crew and taking care of the cabin.

Mr. HARDY. And that is not increased at all by the seamen's bill?

Mr. THORP. Except in wages.

Mr. HARDY. And that is the indirect effect, as you claim it?

Mr. THORP. Yes, sir.

Mr. SCOTT. Are the waiters who wait on the passengers union men, too?

Mr. THORP. You bet your life they are union men.

Mr. SCOTT. And if one of the waiters gets sore on the passengers and gets off on the dock, does the balance of the crew quit?

Mr. THORP. I have seen them go out in pretty good bunches.

Mr. SCOTT. And the whole public suffers because you can not run your boats?

Mr. THORP. Yes, sir.

Mr. SCOTT. In consequence of some employee being offended?

Mr. THORP. Yes, sir. I want to tell you about how long the firemen and the oilers and the water tenders work out of 24 hours, under the three-watch system as compared with the two-watch system. Running in three watches, assuming a watch starts at 6 o'clock in the morning, all the men work four hours—four hours on and four off—but the ship does not leave port until 10 o'clock, so the first watch has no firing at all. The second-watch man comes on at 10 o'clock and works until 2. He has fired during that time four hours. That takes about all of the time we are operating outside. The third-watch man comes on at 2 o'clock, and we are at the dock at 3, so he has really fired only one hour, and then his watch ends at 6. The boat leaves the dock again at 5, so he works two hours of actual firing.

The next man comes on at 6 and works until 10, the man who was on the first watch, and that watch has not done any work in the morning at all. He works four hours. The boat is in port at 10 o'clock, and she stays there until 10 o'clock the next morning. She is 14 hours in port—10 hours running and about 4 hours in port—so the actual time worked by the first watch is four hours, the second watch four hours, and the third watch two hours; so the first watch is on duty but four hours, the second watch four hours, and the third watch two hours, and they are absolutely off duty for 16 hours. The average work done by any one of these men under that three-watch system on that particular run is $3\frac{1}{3}$ hours that they work out of 24, and we have to have 50 per cent more men to do that work than we did before the seamen's act went into effect.

Mr. JEFFERIS. That is the run from Chicago to Milwaukee?

Mr. THORP. And return.

Mr. HARDY. Will you be kind enough to put in your statement the number of members of the crew that you have on this *Christopher Columbus* before the seamen's act and the additional men you have had to put on since the seamen's act?

Mr. THORP. I will be very glad to send that in when I get back to Chicago.

Mr. HARDY. So that we will understand just where the condition came in.

Mr. ROSENBLUM. Another reminder: A statement of your dividends since 1900.

Mr. THORP. Yes; I will take care of that.

Mr. SCOTT. Before the seamen's law went into effect the merchant marine on the Great Lakes had been built up gradually for 50 years, had it not—from a small enterprise it had grown into a tremendous undertaking, had it not?

Mr. THORP. Our company started business in 1856.

Mr. SCOTT. And it had gradually grown, with the restrictions that were placed upon it and the regulations that were determined by the Department of Commerce?

Mr. THORP. Yes, sir; and the Steamboat Inspection Service before that.

Mr. SCOTT. You were anxious, and the people engaged in navigation on the Great Lakes were anxious to so demean themselves that the young men would go to work on your ships; you were encouraging the employees on your ships, so that always at the opening of the season you would have employees?

Mr. THORP. Yes, sir.

Mr. SCOTT. When the seamen's law went into effect, or before it went into effect, it was a negotiation between the employers and the employees?

Mr. THORP. Yes.

Mr. SCOTT. And under that situation the men got along very well, did they not?

Mr. THORP. Yes, sir.

Mr. SCOTT. And the public was served better than they have been ever since?

Mr. THORP. As well.

Mr. SCOTT. When the seamen's law was enacted, for the first time in the history of the law, it was placed on the statute books in order that one class of labor should only be required to work eight hours a day, is that so?

Mr. THORP. Yes, sir.

Mr. SCOTT. And from that originated the nucleus of dissension among the other portion of the crew who were not carried in the bill and are not required to work eight hours a day, and it resulted in all combining and insisting that everybody should work only eight hours a day; is that right?

Mr. THORP. Yes.

Mr. HARDY. Mr. Scott, I have not read your bill, but does it amend or repeal the portion of the seamen's act that prescribed the hours of labor?

Mr. SCOTT. No; only on the short haul. You understand, Judge Hardy, that my bill only applies to a particular situation that has existed for some time up in my country on the short haul.

Mr. HARDY. I suppose that when we had the seamen's bill under consideration the reason for putting that limitation in was the testimony introduced as to the unreasonable long hours frequently required in the Lake service.

Mr. SCOTT. I have not touched the long runs from Duluth to Superior or Duluth to Buffalo. I have not attempted to amend that at all.

Mr. HARDY. I think it was unanimously agreed to by this committee, after hearing all the testimony about the hardships that were frequently exacted of the crews, that they were entitled to some limitation.

Mr. SCOTT. I remember that most of that came from one man and the rest was hearsay; but I remember there was some statement of that kind about the hardships.

Mr. HARDY. Not only one statement from one man, but I do not think there was a dissenting voice.

Mr. SCOTT. But there was not one scintilla of evidence of any such hardships on the Great Lakes; it came from the ocean, quite a good deal of it, here and there.

Mr. THORP. May I read about the two-watch system on this same boat?

Mr. HARDY. I am not discussing the two-watch system; I am discussing the usual system.

Mr. THORP. The two-watch system is the usual system aboard steamers.

Mr. HARDY. I understand this bill does not touch that.

Mr. SCOTT. Yes; it does on the short run. My bill endeavors to place the one-watch system on runs of 8 hours or less—that is, the total run—and on runs of between 8 and 16 hours it places them on two watches, from 8 to 16 or less. Those are, Judge Hardy, what we call the short runs, and in every one of the instances now under the present provision they are obliged to carry three crews. You will recall that during the last session I illustrated a rather severe illustration, I frankly admitted, and I frankly admit it now, in my district. The captain of the boat and the engineer of that boat, and I do not know but what perhaps the fireman—I do not know as to the fireman, but I know that the captain and the engineer owned the majority of the ship. It had run up there, to my knowledge, for 30 years, and they never had lost a life. In the light season—and by light season I mean the early spring, from April up to June—and in the late season, from October until November, they had carried 5 men—the captain, the wheelman, the engineer, the fireman, and the deck hand—and they had been operating there for that time, and in the heavy season they carried 7 men, but when this law came into effect that little boat, that ship, running 3 miles from St. Ignace to Macinac Island, never more than a mile and a half from port, was obliged to put on 19 men.

Now, I say that is a rather severe illustration of the point, but it illustrates it. And the captain of that ship is a poor man, regardless of the fact that he would be classified as a shipowner, and he and the engineer have been supporting their families on the operation of that little ship for a quarter of a century. That is only one illustration of many that happen to occur up in our country, and those are the fellows that this bill is particularly aimed to assist. It does, by indirection, help the larger concerns, such as the D. & C., but my particular interest is not in making a substantial revenue for the D. & C., only to the extent that I can encourage them to come up in my country and haul the produce of the people I am trying to represent, and haul the people themselves. That is all there is to it.

Mr. HARDY. I understand that the only effect your bill has on the provisions of the seamen's act as to hours of labor is that when the vessel runs more than 8 and less than 16 hours, they may be required to work longer than 8 or 9 hours a day? I do not know whether it is 8 or 9, under the provisions of the seamen's bill. I am not sure, but I believe it was 9.

Mr. SCOTT. My bill contains that feature. You can not compel a man to work over 9 hours. That is still retained.

Mr. HARDY. So that you do not change that?

Mr. SCOTT. Not at all.

Mr. HARDY. That was the question I started out to ask you.

Mr. SCOTT. Yes, sir.

Mr. THORP. Now, take the two-watch system. Under the two-watch system which was in existence before the seamen's act became effective, on this particular boat the first watch worked 6 hours out

of 24, and the second watch worked 4 hours out of 24, actual firing outside. Each averaged 5 hours a day of actual firing, whereas it is $3\frac{1}{2}$ under the present law, so under the old law they were not very much overworked.

Mr. SCOTT. I will ask Mr. T. F. Newman, the general manager of the Cleveland & Buffalo Transit Co., to address the committee.

**STATEMENT OF MR. T. F. NEWMAN, GENERAL MANAGER,
CLEVELAND & BUFFALO TRANSIT CO.**

Mr. NEWMAN. I did not know when I came down here that we were going to try the labor unions. I thought we came down here to talk about this bill and how it hurt us.

I remember distinctly, and some of the gentlemen on this committee remember, that when the bill passed the Senate and before it came to the committee of the House, there was not a ship in the United States that could qualify. This committee helped us out, and we have been running, and I was told at that time, and I think by some of the gentlemen present at this table now, to try it out, and if it hurt us, to come back. Now, it has hurt, gentlemen. There are some things that you can not put on people. You can not make figures to cover it. Our discipline has been affected. A certain number of the crew of a ship, outside of her navigating department, must be of the rating of able seamen, or the ship can not leave the dock. Now, what does that mean? I do not believe the union people have taken any advantage of that. I have seen an individual man get ashore. I have seen a ship go out without him, and I have seen a ship take her chances in violation of the law; not my ships particularly, but they have done it, vitiating her insurance, throwing away and canceling entirely her secondary liability, all because one man not connected with the navigation of the ship jumped ashore. That is not right.

I have a great deal of sympathy for anybody who gets into the seamen's bill, or has anything to do with it, because it is intricate. The bill itself is hard to understand. There are provisions of the seamen's bill to-day that are understood differently by different people, and all competent people. That is hard. The ships are different. There are very few ships alike. The routes are different, the service is different, and no one man can tell in all this big company, and there are some smart people here, just what the effect is, or where it is going to hurt them.

I have confined myself in this paper, gentlemen, entirely to what the seamen's bill means to one of the greatest passenger ships on the Great Lakes. She was a ship we built in 1913, or 1912 and 1913, and she cost us \$1,650,000. She is the most expensive passenger ship on inland waters in the world.

Mr. JEFFERIS. What is the name of it?

Mr. NEWMAN. The C. & B.

Mr. CHINDELOM. What does that stand for?

Mr. NEWMAN. That is a name made to cover the route—Cleveland to Buffalo—and our corporate name is C. & B. Co., so when you call the name of the ship you really call the name of the company. That has worked out fairly good.

I take it that it does not make much difference whether our line has been a successful line financially or whether it has not. The fact does remain that I, as manager of that line, can not be extravagant. I can not pay out unduly any money, it does not make any difference how much or how little. My business is, and I am hired, to see that that line is run economically.

Here are some things that I am going to call your attention to, gentlemen, that are unnecessary, extravagant, and do not do anybody any good, and are liable to do us a great deal of harm.

Mr. SCOTT. And for which the public is paying?

Mr. NEWMAN. For which somebody has to pay. Now, I want to say one word before I get to that paper about our line. Our line runs in sharp competition with the best railroads in the world—the Erie, the Pennsylvania, the New York Central, and the B. & O. There are 20 trains between Cleveland and Buffalo to-day; there were when I made this up, and I think that is true to-day. That is our competition, both passenger and freight. We can not raise or lower the passenger or freight rates or anything of that sort on port-to-port business without the authority of the Shipping Board, and we can not lower or raise any rates on rail and the Lake business without the authority of the Interstate Commerce Commission, and our rates are regulated by the rail rate; that is, they have always been thought a reasonable differential below the rail rates. It has varied somewhat from 3 cents down to 1, according to the valuation. I think to-day there is a differential of 5 cents down.

Mr. HARDY. That is, 5 cents per 100 pounds?

Mr. NEWMAN. Yes; according to the traffic. Here is the game: All of our traffic men who have spoken of it, from Buffalo, Cleveland, and everywhere else—I do not know whether our traffic men knew it or not, but I knew it—there are what are known as forwarding companies in all large cities, in Cleveland, Buffalo, Toledo, Detroit, Milwaukee, Chicago, New York, and I guess you have got them in Washington, and if you gentlemen have a bedstead that you want to send to Cleveland—one single, solitary bedstead, bureau, hatrack, or anything else—they will take it over for you if you can not have it hauled, and they will send it through to its destination in carload lots at carload rates and charge you just a little above or a little below the regular package freight rate, and they meet our rates and in some instances beat us. That is what they do. We have got all those things to contend with. We have got the electric lines and everything else.

Here is what I believe you gentlemen want to know, and if there is anything else after I get through with this that I can tell you about, I will be glad to do so. I want to say this, that this statement will show that we are carrying 18 firemen on a boat we used to carry 16 firemen on before the La Follette bill became a law. Twenty-four firemen was what this law provided that she should carry; that is, it would warrant 24 firemen. They used to stand 6-hour watches, three at a time, and 18 or 16 three times would have made it 24. Our friends of the union came to me, and after the first year's operation we compromised, and they helped me out to the extent that that boat has only carried 18, and these figures are made up on that basis. And I have had very little trouble with the unions, as far as my line

goes. It is the advantage that the unscrupulous fellow can take of us and put us in a hole that I fear.

This ship has a total deck crew of 28. The deck crew, exclusive of licensed officers, is 18. Sixty-five per cent of the deck crew must be able seamen, which is 12, and there is one little thing in the seamen's bill that nobody can explain to me. It says 65 per cent of your deck crew must be able seamen, exclusive of licensed officers, and here I have a ship that has to carry 21. I have to carry 21 on that boat. Why? Because if you read down through the bill and follow it right straight along you will find out that every raft on that ship and every boat that she carries in the life-saving equipment must either be manned by a licensed officer or an able seaman, provided the raft carries more than 15 persons. I believe the captains and men all know that no raft ought to carry more than 15 persons, and why it was put in I do not know. But there are nine men who are put on that ship outside of the navigating crew. The 65 per cent fixes the navigating crew, and those nine men are required to man these rafts. I will admit that we want nine men, but I do not want nine able seamen, gentlemen, at \$125 a month, when the ordinary fellow, whom we can certificate and who is certificated as a lifeboat man, we can hire for \$87.50 and less, and that provision last year cost that ship, that one thing, cost that ship \$3,375.

Mr. HARDY. I wish you would explain that, because it is not quite clear to me. I do not understand the operation of the bill in that respect.

Mr. NEWMAN. I do not, either. The bill says that 65 per cent of the deck crew—that is, the captain's crew, the forward crew, exclusive of licensed officers—shall be able seamen. Sixty-five per cent of our deck crew is 12, and that is the able seamen that we could carry under the law. Down below, if you will wrestle it out, you will find out in addition to that, if your equipment is sufficient, if you have enough equipment on there to make it necessary, you have got to carry an able seaman for every lifeboat or raft that carries over 15 persons, or a licensed officer, one of the two.

Mr. HARDY. One certificated lifeboat man to man one raft?

Mr. NEWMAN. We are asking for that in this amendment.

Mr. SCOTT. At the present time the law does not allow you to use a certificated lifeboat man, although that is the logical thing to do, if he is qualified?

Mr. HARDY. In addition to the 65 per cent of the deck crew being seamen, under this law you have to have certain additional able seamen?

Mr. NEWMAN. Yes, sir; and that is a hardship. That is that end of it. I would not care whether the seamen's act was on the statute books or not, so far as those 12 men are concerned. There are 12 men in that navigating crew that I want all the time. They are necessary, and I pay them as much as we have got to pay able seamen. I would not care about the law, so far as they are concerned. They are necessary. But the nine men are not, and they should not be there, and if one of those nine men quit that ship could not go off unless they can find another fellow.

Mr. HARDY. Those nine men are only necessary to man the raft or lifeboats?

Mr. NEWMAN. That is the hardship. The other men would not make any difference. I do not think it is necessary to certificate them; but whether they are certificated or not they would not save my ship any money, because I would hire good men all the time. That is the forward end, \$3,375.

Now, let us see about the firemen, and our friend Conway over there will bear me out. And remember what I have said now. By the grace of the union, by the grace of our good friend Conway over there, I am carrying six less firemen on there than I should in strict accordance with the firemen's union's rules. The law does not say that.

Mr. HARDY. Are you running under the requirements of the law?

Mr. NEWMAN. Yes, sir; on a three-watch system. Now, let us see where that will land us.

Mr. SCOTT. You are not running a three-watch system, are you?

Mr. NEWMAN. Yes, sir.

Mr. CONWAY. He is running in accordance with the requirements of the law.

Mr. NEWMAN. The law does not say how many men you should have, but you have got to divide them into three watches, and we are doing that, and they have got a snap. They call it the old man's home, because that is the kind of a boat she is. You can go down there and have as good a time as you can have in any part of the ship.

Let us see about the three-watch system. Under the two-watch system I never heard a complaint, and I believe the men liked it better. I believe the men on the ship like it better, and you know and I know it is better for the ship. If you take three hours on and six hours off, you have got to feed them every time you wake them up. Every time they go on watch you have got to feed them. That is what you have got to do.

Mr. ROSENBLOOM. You advertise that, do you not, that the sea air whets the appetite?

Mr. NEWMAN. And it does, but it keeps them in the kitchen 24 hours. We used to carry, under the two-watch system, four oilers, but now, under the three-watch system, we carry six oilers. That is what we are carrying. Under the two-watch system we carried four water tenders and under the three-watch system five; under the two-watch system 16 firemen, under the three-watch system, as I have told you, we are carrying 18, and they can make me carry 24 any time they want to; but they have not done it, and I am thankful. Under the two-watch system we carried four coal passers and under the three-watch system six. Under the two-watch system the total crew was 28 and under the three-watch system it is 35, an increase of 7. Let us see what that makes. It amounts in the pay roll for those seven men to \$8,000 in a season on the ship.

Mr. SCOTT. That is, in salaries?

Mr. NEWMAN. Yes; in the pay roll.

Mr. SCOTT. That is not the food?

Mr. NEWMAN. The food I have figured at \$1 a day, and we can not feed them for \$1 a day; in fact, we did not last year; but, if we take it at \$1 a day, that is \$2,100 more, which makes a total of \$13,475 that is reflected in the pay roll.

Mr. CONWAY. Have you not made a mistake there?

Mr. NEWMAN. No.

Mr. CONWAY. You said seven men cost you \$8,000. There is no man who gets \$1,000 a year.

Mr. NEWMAN. No; I did not.

Mr. CONWAY. I beg to be excused for interrupting you.

Mr. NEWMAN. I said the total reflected in the pay roll of one department.

Mr. CONWAY. But not in our department?

Mr. NEWMAN. Not in yours altogether. It amounts to \$13,475 for the ship.

Now, let us see what this closing of the season on September 15 means. It is a very serious matter to us, very serious, the loss in passenger revenue, due to the reduction in passenger carrying permitted on September 15, and I will first read there the figures before that, so as to get you going straight. In the year 1913, when this ship came out, she was built to carry, on short runs, 6,000 people.

Our contract with the American Shipbuilding Co. called for a United States certificate for 6,000 passengers on short runs. We did not certificate her for 6,000, but we found that we had room enough to accommodate them. We certified her for about half of that, 3,000, or 3,045. When the seamen's act went into effect and up to the year 1920, inclusive, which was last year, she was allowed 2,272 passengers. That was a reduction right off the reel of 773, and that is a big thing, gentlemen, when you come to figure averages. You have got to take your big working days in, and the big ones help the little ones, and that is what keeps these boats going. And 773 are allowed us only between May 15 and September 15. After September 15 that great ship—and I wish you could see her, because you would like her as well as I do—can carry only 495 people. My gracious! That is wrong.

Mr. ROSENBLOOM. Why is that?

Mr. SCOTT. They do not carry the equipment.

Mr. NEWMAN. The same equipment is on her after September 15.

Mr. ROSENBLOOM. Is it not on account of the change of the season?

Mr. NEWMAN. Yes.

Mr. CHINDBLOM. It is supposed to be the dangerous season?

Mr. NEWMAN. Yes. October is the finest month in the whole year.

Mr. DAVIS. Is it possible or practicable to carry more life-saving equipment than you actually carry on that vessel?

Mr. NEWMAN. She is built perfect and has got all the equipment on her that can be put on her for safety. If you put any more on her, you would hurt that vessel more than you would do the passengers or anybody else good.

Mr. DAVIS. In addition to the lifeboats and rafts you also have the belts, do you not?

Mr. NEWMAN. Oh, yes; for everybody, crew and all.

Mr. DAVIS. For every passenger?

Mr. NEWMAN. Yes, sir.

Mr. DAVIS. That, of course, they do not give you credit for?

Mr. NEWMAN. No, sir; no credit whatever.

Mr. HARDY. I suppose the reason for that provision was that later on the water would be so cold that it would be dangerous in the water with a life belt?

Mr. NEWMAN. The water is warmer in October than it is in April. We had ice in Lake Erie up to the 19th day of April last year; cold, ice water. There is something wrong, and you gentlemen are going to fix it for us, and the labor men can not object to it either, because they can not question that statement.

The loss in passenger revenue, due to the reduction in passenger carrying permitted after September 15—and this does not cover it by half, but it does cover what we could keep track of—the specific business lost to the company entirely, as clearly shown in papers attached in the case of the American Legion Convention, at Cleveland, from September 27 to 29, 1920, was 400 passengers. The number of regular passengers turned away, that the boat could not carry, is conservatively estimated at 1,500, which makes a total of 1,900 which, at \$6 apiece, makes \$11,400, so that I am charging to the seamen's bill \$24,875 that that ship could have had and should have had last year if it had not been for the provisions in the seamen's bill that these amendments will cure.

Mr. HARDY. What was the date of that convention?

Mr. NEWMAN. September 29. The records are here on that. I thought they would be pretty good reading. I am going to read one of them into the record.

Mr. HARDY. I was going to suggest that that business would come in under the extension of time that was agreed to in the last session of Congress.

Mr. NEWMAN. Yes; and I was very anxious to have that go through.

Mr. SCOTT. The House was very willing to have it go through, but it met a snag in the Senate.

Mr. NEWMAN. I understand so.

This letter is dated August 16, 1920, at 248 Washington Street, Boston, and reads as follows:

Mr. F. W. MILTON,

General Passenger Agent,

Cleveland & Buffalo Transit Co., Cleveland, Ohio.

DEAR SIR: We are handling the arrangements for the New England posts to the American Legion convention to be held at Cleveland September 27, 28, 29, and our itinerary provides for returning the party via your line from Cleveland to Buffalo on the night of September 29.

The Massachusetts delegation alone have contracted for accommodations at the Statler Hotel for 300 persons, and with the posts from the various other New England States I feel sure we will have a party of approximately 400 persons returning on September 29 from Cleveland to Buffalo via your line.

I understand that the Trunk Line Passenger Association have already granted rate of one fare and a third for the round trip on account of this meeting, and practically all of these people will hold certificates entitling them to the reduction of one-third fare returning. I presume these tickets will be good returning via your line the same as they have in the past.

We are also going to provide this party with table d'hôte breakfast on your steamer the morning of September 30, and I would thank you to advise me rate for this meal. We will want a good substantial meal for them.

Will you also please advise me if you will make a preliminary reservation of 200 outside staterooms for this party, advising rate, and we will be able to give you full and complete information a week or 10 days before departure?

Yours, truly,

GEO. E. MARSTERS (INC.),

By H.

Mr. HARDY. Let me say, parenthetically, that I wish you could have had that convention moved up a few days to give your ship a chance.

Mr. NEWMAN. I wish we could.

In answer to that letter we sent this telegram :

AUGUST 19, 1920.

MR. GEORGE E. MARSTERS (INC.).

248 Washington Street, Boston, Mass.:

Your letter 16th. We are sorry, indeed, to decline the valuable business you offer us, Cleveland to Buffalo, Monday, September 29. With the largest steamer on fresh water in the world, the unreasonable provisions of the seamen's law will not permit us to carry the number of passengers in your party. Writing you fully.

F. W. MILTON.

Fine dope! I believe that is the kind of stuff you want. The figures are as accurate as we have them made. That is what it costs the ship.

MR. BRIGGS. Do you have round-trip rates in the summer between those points?

MR. NEWMAN. Yes; we had round-trip rates, and special low rates every Saturday night.

MR. BRIGGS. Is this \$6 rate you are referring to a special passenger rate?

MR. NEWMAN. This one was the rate. I do not know how the rates are made up, but this party was coming in over the New York Central and coming back over our route.

MR. BRIGGS. I am not referring particularly to this one party, but I was referring generally to the rates during this season.

MR. NEWMAN. Generally, our fares are about \$5 one way, and about \$7 round trip, or \$7.50.

That is our story. We have got four ships——

MR. BRIGGS. I want to ask you another question in regard to the certification of that vessel, which you referred to. You referred to its capacity being limited, I think, to about 2,200?

MR. NEWMAN. Yes, sir.

MR. BRIGGS. Was that under the construction given the seamen's act by the Bureau of Navigation?

MR. NEWMAN. By the inspection service under the act; yes, sir.

MR. BRIGGS. Under the inspection service of the Department of Commerce?

MR. NEWMAN. Yes, sir.

MR. BRIGGS. Was the vessel built to carry 6,000 people?

MR. NEWMAN. It was under the United States inspection before the seamen's act. The contract for the ship was let in 1912.

MR. BRIGGS. Certified to by the Department of Commerce to carry 6,000 people on it?

MR. NEWMAN. Yes, sir; that was the contract we made with the shipbuilder.

MR. BRIGGS. But you only carried half of them?

MR. NEWMAN. We certificated her for half.

MR. BRIGGS. Under the seamen's act you carry 2,200?

MR. NEWMAN. Two thousand two hundred.

MR. BRIGGS. That bore some relation to the life-saving equipment and other things of that character, provision for which was made by the seamen's act?

MR. NEWMAN. Yes, sir.

MR. BRIGGS. For how many people is the life-saving equipment required under the law, aside from the life belts and life preservers?

Mr. NEWMAN. Life belts are not counted in that—they are counted, but they are in excess of what I mentioned.

Mr. BRIGGS. I am referring to the other things, like lifeboats and life rafts.

Mr. NEWMAN. From May 15 to September 15, 50 per cent equipment in excess of life belts; that is in the summer. After September 15, 100 per cent, if I am right, and a very much larger percentage of lifeboats. Now, we can not carry any more than we are carrying.

Mr. BRIGGS. How many lifeboats do you carry on this vessel?

Mr. NEWMAN. Eighteen 30-person boats, besides the crew.

Mr. BRIGGS. How many life rafts?

Mr. NEWMAN. The life rafts are about 24.

Mr. BRIGGS. What is the capacity of those?

Mr. NEWMAN. They run from 15 up to 40, I should say. Now, I want to say there is such a diversity of service, there is such a diversity of conditions, there is such a great difference in ships that it is so hard to get the information in our service right.

Mr. HARDY. Do you know what the winter requirements are as to life-saving equipment?

Mr. NEWMAN. One hundred per cent.

Mr. HARDY. One hundred per cent of the passengers?

Mr. NEWMAN. One hundred per cent equipment for the full number of passengers and crew.

Mr. HARDY. What is the difference as to lifeboats?

Mr. NEWMAN. I think it changes from 60 to 40 or 40 to 60—it is just the reverse.

Mr. HARDY. Sixty per cent of your life-saving equipment must be lifeboats in the winter, and 40 per cent life rafts?

Mr. NEWMAN. I think so; and in the summer it is the reverse, 40 and 60. Some one says 75 and 25.

Mr. BRIGGS. How many do you carry in the crew?

Mr. NEWMAN. That ship carries a crew of 210 in the full season.

Mr. BRIGGS. Both summer and winter?

Mr. NEWMAN. She does not run in the winter.

Mr. BRIGGS. What time do you put her up?

Mr. NEWMAN. Our season runs from the middle of April to the middle of November.

I just want to say that our service, gentlemen, and I think we have got the best boats we know how to get, the best builders we could have to build them, and the best designers—our service comes nearer to the long-haul ferry service than it does to a steamship service. You can not compare it with the Lake carriers' proposition. I do not believe it would hurt the Lake carriers very much. They do not care very much one way or the other. I do not like it, and I do think it affects the discipline; I do think it has a serious effect on our efficiency, but they are not hurt so bad.

Mr. HARDY. How many did you figure you would be permitted to carry to that convention on the 29th of September?

Mr. NEWMAN. Four hundred and ninety-five is all we were allowed. How could we carry that party of 400 when we were turning people away that were a part of our regular business?

Mr. HARDY. I was trying to figure on the percentage basis what you had to have for your summer runs. You had to have a lifeboat capacity of 50 per cent, did you not?

Mr. NEWMAN. Yes, sir.

Mr. HARDY. Have you kept that?

Mr. NEWMAN. We have got the same equipment on all the time.

Mr. HARDY. I do not know how you figure it.

Mr. NEWMAN. I do not either.

Mr. CHINDBLOM. For the record, I find in the regulations of the seamen's act, under the head of "Maintenance of boats," this provision:

A licensed officer or able seaman shall be placed in charge of each boat or raft.

Mr. NEWMAN. Read on a little further. That say provided the raft carries more than 15 persons and that 50 per cent of that raft shall be more than 15 persons.

Mr. CHINDBLOM. That is in another provision.

Mr. NEWMAN. Yes, sir. That is what takes these nine extra men in addition to our navigating crew. My gracious!

Mr. HARDY. Was not that requirement one of the reasons why certificated lifeboat men were included, and was it not true that a great many of the stewards and the crew were qualified under that?

Mr. NEWMAN. Yes, sir; and we supposed that the certificated lifeboat men were going to take the place of these nine men, but when the bill came out of the Senate, the committee of Congress and the Senate, they had this provision in there about putting the able seamen on the rafts.

Mr. HARDY. I think I remember your being down here when we were discussing placing in the bill the provision for certificated lifeboat men to take charge of some of these lifeboats, and things of that kind?

Mr. NEWMAN. Yes, sir.

Mr. HARDY. And that was gone over with a view to supplying the necessary number of men by taking other members of the crew, the steward crew, and having them train and certificated as lifeboat men?

Mr. NEWMAN. Yes, sir; I think that was your idea.

Mr. HARDY. Yes; I think that was the general idea under which it was done.

Mr. NEWMAN. But it did not go through.

Mr. HARDY. Let me compliment you, Mr. Newman. You have presented your case.

Mr. NEWMAN. I thank you.

Mr. CHINDBLOM. Perhaps a thought, Mr. Newman, that able seamen would have stronger arms to use the oars, if necessary.

Mr. NEWMAN. Perhaps.

Mr. HARDY. No; it specified that the stewards might suffice as able seamen.

Mr. NEWMAN. I will tell you how it came about. Why do they make us carry 50 per cent on a raft carrying more than 15 persons, unless it was to get able seamen on there. A 15-person raft is better than a 40 anyhow. I guess that is why they put it on, but that was done outside of the committee. I am going to give this committee credit.

The committee promised us that if we were in trouble and we could show it, you would help us, and I believe you will.

STATEMENT OF MR. H. MEYRING, GENERAL PASSENGER AND FREIGHT AGENT FOR THE GRAHAM & MORTON LINE, OF CHICAGO.

Mr. MEYRING. Mr. Chairman and gentlemen, our line operates on the southern portion of Lake Michigan. We operate across the lake to St. Joseph, Benton Harbor, and Holland. St. Joseph and Benton Harbor are 60 miles across the lake and Holland is 100 miles.

Mr. SCOTT. When did you organize and how many ships have you had and how many have you now?

Mr. MEYRING. We have been in operation for 45 years or more. Previous to the seamen's act we operated five steamers. Our steamers are combination package-freight and passenger boats. During the years 1918, 1919, and 1920 we operated but three steamers. We are now and have been for some years in the hands of a receiver.

Mr. ROSENBLUM. For how long have you been in the hands of a receiver?

Mr. MEYRING. Somewhat over five years. Last October and November we were operating one steamer at that time, the *City of Grand Rapids*, and she was running full of freight each trip—in fact, turning business away. We could not handle the business. Our freight rates are the same as the rail rates, and that steamer received only that business, and, refusing business each trip, was not making expenses. We were compelled to discontinue our service, notwithstanding the fact that we had more business than we could handle. That is practically the situation with our line.

Mr. CHINDBLOM. What was the tonnage of that ship?

Mr. MEYRING. That ship is about 3,000 tons.

Mr. ROSENBLUM. No law could help you at all if you had capacity business and still could not make any money?

Mr. SCOTT. Of course, you understand they could not carry all their capacity of passengers after this limitation in the provision of law became effective?

Mr. MEYRING. That ship carries 870 passengers from May 15 to September 15.

Mr. SCOTT. And after and before those dates?

Mr. MEYRING. One hundred and seventy. The only thing that would help us would be such provisions of the law whereby we could reduce our operating expenses. The seamen's act, of course, is not the whole cause of it, but it is one of the contributing causes.

Mr. BRIGGS. What are the causes that you attribute this condition to?

Mr. MEYRING. One of the causes was last year the advanced cost of fuel and food—we do supply the crew—and also the extra cost of wages entailed by the unnecessary men as the result of the seamen's act.

Mr. BRIGGS. Were you in the receiver's hands when the seamen's act was passed?

Mr. MEYRING. We were in the hands of the receiver. The act was passed after that but it did not become effective until some time after passage.

Mr. BRIGGS. November, 1915?

Mr. MEYRING. Passed in March.

Mr. BRIGGS. It became effective in November after that month of March?

Mr. MEYRING. Yes.

Mr. ROSENBLOOM. When did you go into the hands of a receiver?

Mr. MEYRING. October, 1915.

Mr. ROSENBLOOM. Before the act was effective?

Mr. MEYRING. Yes, sir.

Mr. ROSENBLOOM. Were there some other causes?

Mr. MEYRING. There were some other causes, it is true, but at the same time we have been struggling to get out of the hands of the receiver, but have been handicapped by those other matters to which I have alluded.

Mr. SCOTT. In the past they have conducted a ferry service between Muskegon and Milwaukee. How many ships were operating there? Are you familiar with the service over there?

Mr. MEYRING. Not there; only from general information. I think somebody else is here that is familiar with that subject and might be able to tell you.

Mr. THORP. There are two.

Mr. SCOTT. Operating two now—they were operating four?

Mr. THORP. Not ferries. They were operating two ferries and two package freight boats. They are operating only one package freight and passenger boat now.

Mr. SCOTT. So that they have taken off how many?

Mr. MEYRING. One. There is one less boat there than were operated.

Mr. CHINDBLOM. Let me ask you whether the fact that we entered the war in April, 1917, whether the conditions which existed during the time we were engaged in the war affected the amount of passenger traffic that you got?

Mr. MEYRING. It had a tendency to reduce to some extent, but it increased the freight traffic correspondingly, so that the general tendency of the war was to help the boat lines rather than injure them.

Mr. CHINDBLOM. I had the impression that the number of people going out of Chicago, for instance, to the resorts up north, was considerably reduced. That would not affect your line, but it would affect some of the other lines?

Mr. MEYRING. It would affect the longer lines.

Mr. HARDY. Do you ordinarily have more passengers than you can accommodate under the law, or is that only occasional excursions and things of that sort?

Mr. MEYRING. On excursions we generally have more passengers than we can accommodate under the law.

Mr. HARDY. Ordinarily how does it operate?

Mr. MEYRING. On ordinary runs, as a general rule, we do not, but there are occasions when we do.

Mr. BRIGGS. What was the reason for your company going into the hands of a receiver? Of course they did not make operating expenses, but I mean by that—through what causes?

Mr. MEYRING. The only cause I can explain is that the operating revenue was in excess of the operating receipts.

Mr. BRIGGS. I mean by that did you have excessive costs at that time for fuel or was it due to crew charges or was it for lack of business?

Mr. MEYRING. I can not assign any special reason. Probably the lack of business had something to do with it.

Mr. BRIGGS. How long before 1915 had your company declared a dividend—how long previous to that time?

Mr. MEYRING. We had never declared a dividend previous to that time, and have never declared one since.

Mr. CHINDBLOM. Let me ask you, were your financial difficulties due to some recent occurrences immediately prior to the appointment of a receiver, or were they the result of operations for a long period of time? In other words, was there any immediate cause of the receivership proceedings, or was it resulting from conditions which had existed for a long time prior?

Mr. MEYRING. From conditions which had existed for a long time prior.

Mr. DAVIS. Do I understand that you have operated for 45 years without paying a dividend?

Mr. MEYRING. We have never paid a dividend since we have been in business.

Mr. BRIGGS. You have great faith.

Mr. SCOTT. They are sticking to it.

Mr. ROSENBLOOM. What are you going to do when you are sticking?

Mr. MEYRING. We have come in here with the expectation that you gentlemen are going to give us some legislation which will enable us to pay a dividend in the future.

Mr. ROSENBLOOM. Have you anything left to work with—you are still working? I will trade you some more oil stock before that.

Mr. MEYRING. We may seriously consider that proposition.

Mr. CHINDBLOM. I think it is a good time to say that the Graham & Morton Co. has done a great favor and has contributed very much to the comfort and pleasure of the people of Chicago while they have been failing to make dividends on their investment.

Mr. MEYRING. The people are the only ones who have benefited by our operations.

Mr. DAVIS. What is the ordinary life of one of those steel boats?

Mr. MEYRING. Their depreciation is very slight when they are properly taken care of. There are steel boats on the Lakes that have been in operation 25 years and still are in splendid condition. There is a technical gentleman here who can tell you more about that than I can.

Mr. THORP. The largest such boat built on the Great Lakes, and, I think, perhaps, in this country, is owned by the Government and is still in existence to-day, called the *Michigan*, now called the *Wolverine*. I know that when Mr. Truman Newberry was Assistant Secretary of the Navy he had some of the plates callipered and they could not find any deterioration, and it was over 50 years old then.

Mr. SCOTT. In other words, then, Mr. Thorp, on the Great Lakes we do not have the depreciating effect on the ships that they suffer in the salt water?

Mr. THORP. Absolutely not; none outside—it is more inside, and it all depends on how they take care of it on the inside.

STATEMENT OF MR. O. S. DUSTIN, TRAFFIC MANAGER OF THE
ASHLEY-DUSTIN LINE, OF DETROIT.

Mr. DUSTIN. I am from an old steamboat family. My brother has been coming down here for years. He is too old now, and he has sent the kid. The kid has been on the job 35 years. Before that he went to school.

Mr. ROSENBLOOM. In the dry dock now?

Mr. DUSTIN. No, sir. I have a statement here. You have heard so much about the steamer *Frank E. Kirby*. We withdrew her a year ago and laid her up at the dock and refused to run. Well, in April, 1911—a little boat she is, a little side-wheeler, 206 feet long, 42 feet beam; she carries about 200 tons of general merchandise, and her route is to go down to Put in Bay, Kelley Island, Middle Bass, Sandusky, sometimes North Bass, and in the fruit season we went over and picked up fruit along the Ohio shore—in 1911 the little boat made \$8,087.88.

Mr. CHINDBLOM. Net profit?

Mr. DUSTIN. Yes; that is her profit. That is her gain over revenue and expenses. Now, then, you come up to some more years. That is a very good year. Next year she made only \$1,600. The next year she made us \$4,000, and finally, coming up to 1915, she made us \$30.93; then she commenced to lose money for us. In 1916 she lost \$1,104.83; the next year, 1917, the loss was \$4,334.72. We were taking care of people and losing money. In 1918 she lost us \$6,398.59 and in 1919 she lost us \$8,208.12; and we had her ready to go out even last year, but they came down making demands for three-hour watch all over the boats and jumped the engineers' wages, the captain's wages, etc., and we said, "We are done." We notified them.

Mr. ROSENBLOM. What was her name?

Mr. DUSTIN. The *F. E. Kirby*, known all over the lake. In that time we have been cutting down her season and have not been giving service. In 1911, when we made that \$8,000, we ran 208 days; in 1919, when we lost that \$8,000, we only ran 167 days. We picked the best part of the season, and the boat did not run early and late. We did not start and run from ice to ice when the ice starts again, as we used to run in the old days, or she would have lost a great deal more money.

Mr. HARDY. You would have lost more if you had run longer?

Mr. DUSTIN. Is not that natural?

Mr. SCOTT. I wish you would read into the record, so that these gentlemen will appreciate it, the figures showing the amount of business you did there when you were operating for the benefit of the people, the amount of business you did when you made a little money, and the aggregate amount of business you did when you lost \$8,000.

Mr. DUSTIN. That is a very good point. In 1911, gentlemen, we took in as our total revenue \$43,096.74. It cost us \$35,000 to operate, which gave us a profit of \$8,087. In 1919, to show that the business was not slipping and we were still doing business, we took in \$60,840.97. It cost us \$69,022.19 to operate. These boats are kept, as another man said here, taking them off of interstate-commerce bookkeeping records and put down in tabulated form here on this sheet [indicating], but you can verify these figures if you want to look these up.

Mr. SCOTT. You make this sworn statement to the Interstate Commerce Commission?

Mr. DUSTIN. Sure.

Mr. DAVIS. You did not have any difficulty paying income taxes?

Mr. DUSTIN. We are an old company, and pay our bills.

Mr. ROSENBLUM. He may have another boat or two stored away.

Mr. DUSTIN. I am talking about the losing stuff. This is losing stuff. Here is a boat that did not pay and this is an old company. My old dad sailed these Lakes 80 years ago. He is dead a good many years, and my brother is old and I am no chicken.

Mr. ROSENBLOOM. What other boats do you operate?

Mr. DUSTIN. The steamer *Put in Bay*. She is a nice, big excursion boat. I started to say we are an old company and have got a lot of widows to look after. We do not think it is a square deal to our stockholders, a small company, for stockholders to run a proposition that is losing us thousands of dollars and have the boat that is making us a little money pay the expenses of this boat running. That is what they are all hollering for—service to have their peaches brought out—and the drug houses want carloads of drugs taken to Sandusky to send to Baltimore, and we discontinued the service and they are making a holler. If you want to know the cost of coal and the wages, increased wages, I have got it right here to give it to you.

Mr. CHINDBLOM. Give us the wage item for 1911 and 1919.

Mr. DUSTIN. The wages in 1911 on that boat were \$12,625.75; the wages in 1919 were \$22,267.72.

Mr. KIRKPATRICK. That is on a shorter season.

Mr. DUSTIN. Wages; no more men. Yes; it is more money in this way, with the extra men the seamen's law requires us to carry. In 1911 we had two firemen and two engineers; now we have three firemen, three coal passers, two engineers, and two oilers. The engineers used to do the oiling and the deck hands used to pass out coal for the firemen when they did not come after it themselves.

Mr. JEFFERIS. Why can not they do it now?

Mr. DUSTIN. They will not do it. The law requires that. The firemen used to work from Sandusky, five hours run, split the watch and have a five-hour run back and split the watch; that is too damn hard work for firemen. Do you want them to go down and fire the whole fire two or three hours on every night? We have allowed this to the firemen. For a boat on the Lake that is not necessary. I have been in the game. I have had to go to the starboard side and had to be on the walking beam putting in to dock two or three times. The second engineer and engineer used to do that.

Mr. HARDY. This seamen's law requires more oilers?

Mr. ROSENBLOOM. Does that boat carry passengers?

Mr. DUSTIN. Yes, sir.

Mr. HARDY. Does it operate a bar?

Mr. DUSTIN. In the old days.

Mr. ROSENBLOOM. Did that add something to your profit?

Mr. DUSTIN. In 1911. I will tell you about the bar.

Mr. ROSENBLOOM. And the slot machines.

Mr. DUSTIN. There is a very wise gentleman there. He paid us a couple of thousand dollars for the bar. He paid us that, and if there

was any more benefit than that he got it. That is all we got out of it—a couple of thousand dollars. After 1913 the newspapers got after the boats in Detroit—this was before prohibition came—and that kind of threw us off of the bar business. There was a good profit in the bar and the slot machines if you fix them right.

Mr. ROSENBLOOM. They do that in Detroit—fix the machines?

Mr. DUSTIN. Yes.

Mr. ROSENBLOOM. It is another 75-25 proposition.

Mr. DUSTIN. Yes. We do not have it on the boats any more.

That is my general statement, gentlemen. I will tell you why we laid up the *Kirby*.

Mr. ROSENBLOOM. Were the *Kirby* boilers condemned by the Steamboat-Inspection Service, or anything of that kind?

Mr. DUSTIN. No; we have always kept our steamboats up—kept the hulls up. Every boat has a good hull. Mr. Thorp told you about the *Michigan*, an old hull 50 years, where they kept her good inside and kept her oiled. The boilers you have to keep them up. They have not been condemned.

Mr. ROSENBLOOM. Do you say they have not been condemned?

Mr. DUSTIN. If we got a winning proposition, are we going to keep our steamboat and put bad boilers in her? If we are not making money, if we are losing \$9,000 on a boat we will lay her up. We had one boat that lost us \$8,000 to operate.

Mr. HARDY. What year was that?

Mr. DUSTIN. It was 1919, the last year she ran.

Mr. HARDY. You lost \$8,000 then?

Mr. DUSTIN. Yes.

Mr. ROSENBLOOM. How did you come out in 1915?

Mr. DUSTIN. We made \$30.93.

Mr. ROSENBLOOM. That was before the seamen's act went into effect?

Mr. DUSTIN. The act went into effect in the spring of 1915.

Mr. HARDY. November.

Mr. ROSENBLOOM. That was at the end of 1915. How did you make out in 1914?

Mr. DUSTIN. We lost \$246.13. Do you want me to tell you why?

Mr. ROSENBLOOM. Yes; since you can not blame it on the seamen's act.

Mr. DUSTIN. We began on the fruit crop. We have had a lot of lean years. It was a hard winter and the peaches did not come up, and it cut us down on the receipts. In the spring of 1914 it was a very cold year and the peach trees all froze, with the result that there was no fruit in the fall of the year.

Mr. HARDY. Did you have any bar that year?

Mr. DUSTIN. No.

Mr. HARDY. When did that go out of operation?

Mr. DUSTIN. 1913; we lost the bar then. It was only a couple of thousand of dollars.

Mr. HARDY. If you had gotten that \$2,000, it would have given you a little profit in 1913 instead of a loss?

Mr. DUSTIN. Yes; that is true.

Mr. CHINDBLOM. Did you lose the peach crop in 1915?

Mr. DUSTIN. Since the trees froze they have not begun to bear good until recently, when they just commenced to come back. Sometimes there is a lean year and sometimes the crops are pretty good.

Mr. HARDY. You will never get back the bar?

Mr. DUSTIN. No; we will not get the bar back.

Mr. BRIGGS. What was the condition of the peach crop the year you lost so much money?

Mr. DUSTIN. 1919?

Mr. BRIGGS. Yes.

Mr. DUSTIN. Just a fair crop. The fruit just commenced to come back a little. We only ran to September 28 that year, and the fruit crop was very early. The places we ran to November 9 we used to run until Thanksgiving time.

Mr. SCOTT. That year of which you spoke, the last year where they ran and lost \$9,000, they did an actual gross business of \$60,000, and in the year where they made a profit of \$8,000 they did less than \$40,000 business.

Mr. BRIGGS. I observed that. I was going to ask the witness about that tabulation.

Mr. DUSTIN. I will put it in the record.

Mr. KIRKPATRICK. In that year the wages doubled over 1911?

Mr. DUSTIN. Yes.

Mr. KIRKPATRICK. That was in the shorter season?

Mr. DUSTIN. Yes. We were operating 167 days that year, in 1919. In 1911 we operated 208 days.

Mr. SCOTT. And it cost you how much?

Mr. DUSTIN. \$12,625.75 in 1911.

Mr. SCOTT. How much in 1919?

Mr. DUSTIN. \$22,267.72. I am going to turn this record in and will tell you that along up to 1913 we kept the books our way, and after that had to keep them according to Interstate Commerce Commission rules, and it is itemized out more. Here there is just one group for the wages in these three years, and when you get over here [indicating] it shows the deck wages, the engineer wages, the steward's wages, etc.

Mr. HARDY. Have not the wages in all lines of employment about trebled between 1911 and 1919?

Mr. DUSTIN. I do not know.

Mr. HARDY. They had with us, I know.

Mr. ROSENBLOOM. How were your rates in 1919 as compared with 1911?

Mr. DUSTIN. Getting more money. I remember when we used to carry peaches for 12 cents a bushel.

Mr. ROSENBLOOM. What were you carrying them for in 1918?

Mr. DUSTIN. Twenty-five to twenty-six cents. There were not so many peaches that year—last year there was a big bumper crop. A little barge ran down to Detroit; they got 22 cents a bushel for them.

Mr. ROSENBLOOM. That was testified to?

Mr. DUSTIN. I thought it was too much.

Mr. ROSENBLOOM. You did not carry any last year?

Mr. DUSTIN. No; this other boat carried just a few of the early fruit. It did not amount to anything. The peach crop did not come until after Labor Day, what we called the peach crop. They are awfully sore on us because we did not run the boat. She certainly was handy for them.

Mr. GAHN. Are you going to operate the *Kirby* this year?

Mr. DUSTIN. We will operate her if we can.

Mr. BRIGGS. To what do you attribute all this loss; to the additional number of men in the crew or that and other causes?

Mr. DUSTIN. Take a little boat like that and, of course, the engineers going from 4 men to 12, that is quite an increase in wages, and they are getting twice the wages as it shows here, and then I may tell you another thing that is mentioned. These A. B. men, as soon as you put them up and get brass buttons on them they refuse to work.

Mr. HARDY. Did you have some boats that made a profit in 1919?

Mr. DUSTIN. Sure.

Mr. HARDY. What one was that?

Mr. DUSTIN. The *Kirby*.

Mr. HARDY. Did you have any running over the same line as this *Kirby*?

Mr. DUSTIN. She ran over the route to just call for the passenger business; no room to carry freight, but we just ran her from Decoration Day to Labor Day. The passenger boats made money in 1919.

Mr. HARDY. Did all your freight boats lose you money?

Mr. DUSTIN. One boat, the *Kirby*, that is only a freight boat.

Mr. HARDY. All your boats made you money but that?

Mr. DUSTIN. There is only one other boat, an excursion boat.

Mr. HARDY. You just had two boats?

Mr. DUSTIN. Yes.

Mr. HARDY. The *Kirby* and the other one?

Mr. DUSTIN. She just runs from Decoration Day to Labor Day.

Mr. HARDY. That boat made you a profit?

Mr. DUSTIN. Yes.

Mr. HARDY. That is, the company owns two boats?

Mr. DUSTIN. Yes.

(The statement referred to above is as follows:)

Steamer "Frank E. Kirby," seasons 1911 to 1919.

Season.	Apr. 15 to Sept. 28, 1919.	Apr. 16 to Sept. 27, 1918.	Apr. 15 to Oct. 14, 1917.	Apr. 11 to Oct. 27, 1916.	Apr. 13 to Nov. 5, 1915.	Apr. 8 to Nov. 9, 1914.	Apr. 10 to Nov. 9, 1913.	Apr. 15 to Nov. 9, 1912.	Apr. 11 to Nov. 4, 1911.
Number of days run.....	167	165	183	199	206	216	215	209	208
Average expenses per day.....	\$413.31	\$403.12	\$285.66	\$253.52	\$212.80	\$219.57	\$209.83	\$182.58	\$168.31
REVENUE.									
Freight.....	\$23,148.84	\$22,618.36	\$25,207.08	\$25,080.90	\$24,614.90	\$20,436.09	\$19,464.10	\$18,936.72	\$18,612.86
Passenger.....	25,005.05	25,437.34	16,101.18	17,457.51	14,192.16	19,115.99	22,830.48	18,984.10	20,558.59
Staterooms.....	1,349.80	1,388.05	609.50	686.45	496.25	780.00	3,368.90	1,342.85	3,521.19
Dining room.....	4,911.91	4,935.95	2,989.20	2,890.55	1,942.40	3,462.25	3,580.53	550.82	404.10
Lunch counter.....	6,399.37	5,737.00	3,034.20	3,229.66	2,621.47	3,386.21			
Total.....	60,814.97	60,116.70	47,941.16	49,345.07	43,867.18	47,180.54	49,244.01	39,814.49	43,096.74
EXPENSES.									
Food supplies.....	10,189.20	8,947.91	7,315.52	6,317.51	5,688.12	7,254.55	6,661.54	6,779.16	4,441.75
Deck sup. ldy.....	2,465.50	1,818.59	1,787.58	1,485.80	1,342.31	1,117.02	1,549.97		
Advertising.....	2,905.44	2,483.99	2,013.08	1,899.16	1,807.94	1,728.56	2,003.61	2,037.68	1,880.96
Fit out.....	6,915.33	6,898.83	2,637.95	7,962.72	5,970.90	7,100.12	5,113.13	3,714.69	3,616.33
Lunch room.....	3,294.29	1,874.11	1,711.84	1,793.68	1,226.96	1,936.10	1,616.49		
Claims.....	218.34	291.33	184.95	249.38	192.85	142.20	7.84		
Dock repairs.....	162.07	150.96	224.59	105.05	85.26	34.32	23.15		
Traffic association.....	58.34	72.54	38.34	60.00	39.67	108.33	42.96		
Tariffs and stationery.....	51.21	90.65	51.70	67.46	34.50	67.09	8.01		
Fuel.....	9,770.73	11,629.16	5,188.89	6,593.88	8,455.00	8,729.01	8,970.88	8,324.20	8,099.15
Lubrication.....	212.24	217.31	282.96	245.20	275.94	298.07	257.18		
Lay up.....	1,128.91	1,434.01	758.99	734.20	610.40	464.04			
Rent of terminals.....	1,245.00	1,150.00	800.00		788.34	770.45	1,863.96	2,190.80	2,361.80
General officers' salaries.....	1,750.00	1,166.67	1,166.67	1,168.83	1,168.83	1,166.67	1,166.67		
Clerks' salaries.....	1,060.01	1,098.33	350.00	385.00	249.17	118.33	93.33		
Postage, etc.....	69.96	73.01	65.93	54.71	77.39	157.65			
Law expense.....	206.94	30.33	20.33	7.01	8.87	45.33	17.00		
Insurance.....	2,348.64	2,325.57	2,121.00	2,075.59	2,034.10	2,088.44	1,995.07	2,041.25	1,983.12
General expenses.....	67.07	55.80	70.00	71.67	136.47	222.47	135.19	73.67	
Repairs to terminals.....	1,336.91	1,122.97		34.03	57.93	68.65			
Claims.....	150.00								
Wages:									
Deck.....	11,297.66	8,097.01	6,865.17	6,773.24	6,140.30	6,311.12	13,477.20	12,997.66	12,625.75
Engineers.....	7,269.94	6,292.78	4,012.06	3,741.53	3,292.24	3,323.85			
Stewards.....	3,700.12	3,097.95	4,069.06	4,023.11	3,764.06	3,898.57			
Personal injuries.....	22,267.72					7.20			
Operating terminals.....					20.67	24.20			
Prtg. op. vessels.....						2.71			
Gen. ptg.....		17.20	8.00	11.63		15.37	8.13		
Damage to baggage.....		3.33		8.17	26.08	50.00			

STATEMENT OF C. F. BIELMAN, JR., GENERAL MANAGER OF THE
WHITE STAR LINE, DETROIT, MICH.

Mr. BIELMAN. Mr. Chairman and gentlemen, we are not, perhaps, the only line outside of Mr. Dustin's line that comes in the category that Congressman Scott has been talking of. This bill is aimed to help what is commonly known as the short-run line. We operate five steamboats from Detroit to Port Huron, a distance of 60 miles, which, technically, under the law is not covered at all. It is exempted from the law because Lake St. Clair is not considered one of the Great Lakes. But it has an indirect influence on that part of the lake. We hope so, anyhow, regardless of whether it is in or out.

Mr. HARDY. Mr. Dustin, I understand that this boat that lost you \$11,000 last year was a freight boat, or was it a passenger boat?

Mr. SCOTT. Both passenger boats.

Mr. DUSTIN. The *Kirby* is a freight-passenger, little side-wheeler, carrying 200 tons of freight on deck and carrying passengers. The *Put-in-Bay* is used for excursion business and has no room to carry freight.

Mr. HARDY. I understood you to say that one made a profit and the other a loss?

Mr. DUSTIN. Yes.

Mr. SCOTT. That is the reason that the D. & C. ran their boats last summer when they got the immense big summer business. They could load their boats almost to carrying capacity. The provisions of the law did not apply to them, then, as they have got the tourists from all over the country coming to the resorts, and this boat that you spoke about as the one that they run last year is the kind of boat that does not carry anything but passengers and gets an immense resort business?

Mr. DUSTIN. Yes; it runs to the resorts in the summer time.

Mr. BIELMAN. On our line from Detroit to Port Huron technically we are not under the law, but we have a run from Detroit to Toledo on which we operate two steamers normally from April 15 to November 15 carrying passengers and package freight. The provision of the law in the proposed amendment as far as the extension of season goes does not make any difference one way or the other. After September 15 we do not do passenger business. If the freight tonnage is there we carry it. We run our steamboats 3 miles close to deep water, and it does not make any difference. We are never more than 3 miles from shore, but the thing that hurts us, and is hurting us, is the fact that we are running two steamboats between Detroit and Toledo, a distance of 60 miles—four boats, two each way—and one of the steamers, the *City of Toledo*, it is necessary to carry 18 men in the engine room to run that steamboat. This is not fair, reasonable, or just. We have to do that under the law, because we do get on the Great Lakes, we get on Lake Erie, cross Lake Erie, and from there down to Toledo. We must have three oilers, six firemen, three coal passers, and three water tenders.

Mr. HARDY. What is the size of that vessel?

Mr. BIELMAN. Two hundred and fifty-two feet. They will carry in the summer time, 1,956 passengers, and will carry about 350 tons package freight, general merchandise, carrying nothing but deck loads. Those are side-wheel steamers, such as the steamers which

operate on the Hudson River. We do not believe it is fair or just that we should be required to carry this enormous amount of crew to operate a steamboat on a 4-hour run for 60 miles. I say I have no fight with my friend down in the corner at all; we get along together very well. It seems to me, as Mr. Thorp brought out, that the teeth of the law are disguised. Running from Detroit to Port Huron, another of our short steamer runs, the season is only 100 days, except for one steamer which runs seven or eight months. The balance are excursion steamers and only running during the excursion season. Under the law we only have to carry two crews; until last year we only did carry two crews, but unfortunately for us, whether it is due to lack of the owners' organization, or whether it is due to the extremely good organization of our friends, we do not know, but we do know that last year it was necessary to put three crews on all these steamers, none of which operate, gentlemen, you understand, more than eight hours.

Mr. ROSENBLUM. That is not on account of the law.

Mr. BIELMAN. Not on account of the law, but what I am trying to show you is the fact that we maintain that the law is class legislation in so far as it says that we must have a certain man and a certain kind of men, and that a certain per cent of your crew must be a certain kind of men, and it gives those men, as they naturally would have, the power to organize and they do organize, and the moment they organize they come after you hammer and tongs to put on these steamboats, not covered at all by this law, the 3-watch system.

Mr. SCOTT. The law requires two crews?

Mr. BIELMAN. Two crews.

Mr. HARDY. The law of 1915 requires two crews.

Mr. BIELMAN. It requires to carry two crews and we wanted to carry two crews.

Mr. HARDY. That is what the law required you.

Mr. BIELMAN. That is what the law requires.

Mr. HARDY. That is, the law we are passing now requires two crews.

Mr. BIELMAN. I admit it.

Mr. HARDY. Then, what prevents them from doing the same?

Mr. BIELMAN. Not a thing that I know. We feel if the law was passed, if that is so, it would take our boats out entirely from the law all the way through, and we feel that we might get an adjustment with those gentlemen if the law did not legislate. That line is 60 miles. Naturally, they would come to us and say, you are running 60 miles or over, and you are carrying two crews.

Mr. HARDY. I thought you said the law requires two crews?

Mr. BIELMAN. Port Huron is a river run from Detroit across Lake St. Clair and St. Clair River to Port Huron. Lake St. Clair is not an avenue of commerce like the others of the Great Lakes, consequently is not covered by the seamen's law. But the run to Toledo is under the seamen's law. We must have three crews on that run. That is where we get our 18 men in the engine room on one steamer.

Mr. HARDY. Does the law require you to have three crews?

Mr. BIELMAN. Yes, sir. Unless you are running 60 miles you must have three crews on the river run whether the law requires it or not,

and we are strong enough to put it over, and they have the power to do it and they have put it over.

Mr. HARDY. How much crew have you got altogether on the vessel that carries 1,900?

Mr. BIELMAN. One master, 2 mates, 2 wheelmen, 2 watchmen, 2 lookoutsmen, 18 in the engine room, and then the usual steward crew, 35 or 40 in summer.

Mr. HARDY. Carries 1,900 passengers?

Mr. BIELMAN. Yes, sir.

Mr. DAVIS. Are you required to pay the members of the crew for a longer period than they actually work?

Mr. BIELMAN. Not the members of the crew. You are required to pay officers. That condition that was taken up by Mr. Thorp this morning prevails on all lines operating on the Great Lakes. The licensed men we must pay for 10 months. But the two crews that are not licensed officers, firemen, oilers, water tenders, coal passers, lookoutsmen, wheelmen we only pay for the time they operate.

Mr. BRIGGS. Is that condition the result or has it obtained only since the passage of the seamen's law?

Mr. BIELMAN. Only since the passage of the seamen's act, for the simple reason that the seamen's act legislates that number in the deck crew exclusive of the licensed officers shall be able seamen.

Mr. BRIGGS. There is a requirement that a certain number shall be commissioned officers?

Mr. BIELMAN. That has obtained since.

Mr. BRIGGS. Did that obtain before?

Mr. BIELMAN. No. We only paid them at that time for the time they actually worked.

Mr. BRIGGS. Does the seamen's act require that these men should be such?

Mr. BIELMAN. Not at all.

Mr. HARDY. Does the seamen's act affect the number of your officers at all?

Mr. BIELMAN. It does not bother your officers at all and only affects the decking crew, and by giving the decking crew, by specifying a certain per cent or a certain kind of men, gives those men the right to organize, which they might have anyway. We do not deny that. But then they organize, and the laws of the United States Government are behind that union, and every fellow on the ship sees those fellows getting good or better conditions. It is not a question of conditions and has not been. I do not think any of the men that have been employed by any of the passenger lines on the Great Lakes have any kick coming on their food, equipment, or working conditions. You asked me about how it came that this officer proposition came up. All right. As I say, Congress legislates the seamen's union, practically. That is what it amounts to. They legislate that the certain per cent of the men organize and make it a powerful union because a man is not an A. B. unless he is a member, and as soon as he has an A. B. paper they get him in the union, consequently that gives the union power. All right. These other men organize. The cooks and in the engineer department the men see the seamen's union come along and get pay raised \$25 a month. It is all right if you can afford it to have everybody make good pay, if we

can make it. They get together, and so that looks to him that ought to work. "We will get an organization of our own and get our pay raised," and they do. The firemen come along and have gotten absolutely their wages legislated, have worked years and years and still work the bulk freight boats; would be perfectly willing to; the forward crew still do work on the two-watch system. If you did not legislate the 3-watch system in the fire hold, they would be working 6 hours on and 12 off and perfectly happy. All right; they have a union. That is three unions. They all say, "Well, we all maintain an office here and we will all work together. You do it and I will do it, and if they will not do it for you we will make them do it." That is how the thing grew up. The cooks come along and say, "We are not getting enough. Let us have a union." Naturally enough, they have a union.

Mr. HARDY. That does not answer the question I asked you. Does the law affect these men as to their number in any way?

Mr. BIELMAN. Not at all, excepting, as I said, as far as any actual reading of the law; no.

Mr. HARDY. Are you opposed to any kind of legal requirement as to the qualifications of men that should operate these ships?

Mr. BIELMAN. Absolutely not.

Mr. HARDY. Then what per cent would you have to be able seamen, if any per cent?

Mr. BIELMAN. I do not know that I would have any per cent.

Mr. HARDY. Would you have no qualifications for the men who would run these vessels?

Mr. BIELMAN. I would have qualifications.

Mr. SCOTT. If you went to hire a carpenter——

Mr. HARDY. Let him answer.

Mr. BIELMAN. Not being a navigator myself I do not believe I can answer that question.

Mr. HARDY. Without the act I presume the same kind of qualifications or skill would be required to run a vessel.

Mr. BIELMAN. Absolutely; and they were on the run for 50 years before this law ever went into effect and ran just as well and better than since. A man comes to us green off the farm, and we have five boats, five captains, a captain for each boat. Every man in the White Star Line, with the exception of one, started on our steamboats as a deck hand and is now sailing our boats. Two of them came as green boys off farms and worked up until they knew something.

Mr. HARDY. Would not they be entitled to the certificate of an A. B.?

Mr. BIELMAN. They can not get it now.

Mr. HARDY. How long have they been working?

Mr. BIELMAN. Most of them have been there 15 or 20 years.

Mr. HARDY. What prevents them from getting the certificate?

Mr. BIELMAN. As I understand it licensed officers can not hold A. B. certificate.

Mr. HARDY. I think most licensed officers have an A. B. certificate.

Mr. BIELMAN. I do not know. Then these men came to work for us. I presume the men that were sailing the boats at that time knew something about navigating, masters, and mates. These men were not promoted at all until they showed they could navigate. A man

who was a wheelsman would make a deck watchman and would naturally do other work about the ship. Now that they have the A. B. all a man has to do is to make an affidavit that he has had the experience. In those days it was promotion by merit, and now you take a man and place him over other men on his say so, and unfortunately there are a great many people who do not tell the truth when they make affidavits.

Mr. HARDY. Would you be in favor of repealing the laws requiring certain qualifications for a man on deck?

Mr. BIELMAN. I do not know that I would, but I would be very strongly in favor of leaving the matter up to the Department of Commerce through a board of supervising inspectors or Steamboat-Inspection Service men, who are technical men and know the qualifications required.

Mr. HARDY. You think, then, that an executive officer could determine much better than the legislative branch?

Mr. BIELMAN. Yes, sir; I certainly do.

Mr. SCOTT. With their various inspectors centered around the Lakes and ocean.

Mr. BIELMAN. I think this thing should be regulated by the Department of Commerce.

Mr. SCOTT. Was there not complaint when you left it to the executive officer before the act of 1915 as to whether you could get by with one kind of crew or not?

Mr. BIELMAN. That might be true in any case. That was before my time.

Mr. HARDY. The inspector could make things hard or easy.

Mr. BIELMAN. That is only true to a certain extent. The rules were laid down by the Steamboat-Inspection Service and carried out by local inspectors.

Mr. HARDY. You think they ought to be given a free hand, without any law restricting their discretion.

Mr. BIELMAN. I think the executive branch of the Department of Commerce should make regulations for the Steamboat Service.

Mr. HARDY. Of course, that gives some power to them.

Mr. BIELMAN. That is very true. That is only my opinion. I do not claim to be an expert on that.

Mr. SCOTT. Have you anything else to say?

Mr. BIELMAN. There were several things yesterday about the per cent of wages. It is not only the additional men. What we are kicking on on our line has been this same business every year since the passage of the act—more crews' money—and while we do not say that these extra-men demands are entirely responsible for the big increase in our operating costs, we do say that they have something to do with it. We feel that the three main factors in steamboat operation are wages, fuel, and food supply. Food supply and fuel have been going up steadily since 1915, and at the present time the wages have more than kept pace with it. This is aside from the additional men. I have figures here that show that our wage cost averages about 33½ per cent all the way through. In 1919 it was the fuel cost, and our company lost much money as well as last year due to our fuel cost. During the railroad strike fuel prices went crazy and we paid as high as \$11.50 for coal. We admit that is a thing that nobody has

any control of. But what we do say now is that fuel has come down, food supplies have come down, and we feel we should be relieved on the question of wages and these additional men; just on that would save us.

Mr. ROSENBLOOM. Have your rates come down?

Mr. BIELMAN. Our rates have not come down at all, because we have not been doing enough business to make money for our stockholders.

Mr. ROSENBLOOM. Your rates have not come down?

Mr. BIELMAN. Our rates have not come down in the last five years. Total operating expenses, exclusive of taxes and shore expense in 1915, wages, fuel, and food supply, cost our company \$131,687; in 1920, \$416,590.49.

Mr. ROSENBLOOM. What per cent of your operating expense was your wage item in that year?

Mr. BIELMAN. Just 33 $\frac{1}{3}$.

Mr. ROSENBLOOM. What was it last year?

Mr. BIELMAN. Just the same. We have been able to increase our revenue 100 per cent, but operation costs have gone up 300 per cent.

Mr. HARDY. What do you pay for coal now?

Mr. BIELMAN. We pay \$5.50. It has gone down 100 per cent. We will be more than satisfied if we can eliminate these extra men and have the wages come down. We will not kick then.

Mr. HARDY. Will your rates come with them?

Mr. BIELMAN. Our rates will come correspondingly. We would be only too glad to reduce rates. That is another point when the rate question comes up. We are in the excursion business. We are not a trunk line, as Mr. Newman's line from Cleveland to Buffalo, Chicago, and Milwaukee. We are in the excursion business, which is the bulk of our business at cheap rates, and we own an excursion park. For years we carried people to this park and return for 50 cents. When the costs started up we raised it to 60 cents; business fell off; we raised it to 70 cents, and it fell off more. Then it got up to 90 cents, the only way we could pay our expenses, and the business has all gone to pieces. We do not do any.

Mr. BRIGGS. Is that this year?

Mr. BIELMAN. Year before last. It only goes to show that in our position, trying to get business from the bulk of the people, from poor men's families, trying to get him to take the children out for a picnic and not being in a position to keep the rates low enough to get the business, we lose the business.

Mr. HARDY. When you put it to 90 cents, that family had to pay out more money.

Mr. BRIGGS. How long is that sort of business?

Mr. BIELMAN. Since 1896.

Mr. BRIGGS. Was it making money each year previous to the operation of the seamen's act?

Mr. BIELMAN. Yes; and made money some years since.

Mr. BRIGGS. How many years since?

Mr. BIELMAN. It paid a dividend; last year is the first year we did not pay dividends.

Mr. BRIGGS. It paid them right along up to that time?

Mr. BIELMAN. All over a percentage, and the surplus is unfortunately getting smaller each year. We are in Mr. Dustin's position

and have widows entirely dependent on their income from our stock to keep them alive, so we have hoped for the best each year and hope to make a little more next year. We have nothing to put into surplus.

Mr. BRIGGS. What are the dividends declared?

Mr. BIELMAN. The highest dividend the White Star Line ever paid was 8 per cent in 1913 and 1914. Since then we have paid 7 and $3\frac{1}{2}$ in 1918.

Mr. BRIGGS. Have you had to call on your surplus to get the dividends?

Mr. BIELMAN. No.

The CHAIRMAN. We will hear Capt. F. J. Simpson, marine superintendent, Detroit & Cleveland Navigation Co.

STATEMENT OF CAPT. F. J. SIMPSON, MARINE SUPERINTENDENT, DETROIT & CLEVELAND NAVIGATION CO.

Mr. SIMPSON. I am an operator. They call me a marine superintendent. I have been master in that line for a great many years. In the last years of my service as master I was appointed marine superintendent; in other words, that is a ship captain looking after the operation of ships. While I did not come here to testify, but only to hear what was going on, I did have an interest in this new bill, which I think would help us materially. I have listened to the testimony about steamers, adding crews, and cutting down the seasons, and that applies to our steamers. We operate a fleet of eight steamers, two between Detroit and Buffalo, the finest of their kind. They compare well with Mr. Newman's steamer—the million and a half steamer. Our steamer cost a million and a half, and we have one that runs with her, \$1,250,000.

Mr. BRIGGS. What is the tonnage of this ship?

Mr. SIMPSON. The *City of Detroit* 3d, which is 6,066 tons.

Mr. BRIGGS. Dead weight?

Mr. SIMPSON. Gross tons. The *City of Cleveland* runs with her. She is somewhat over a 4,000-ton ship.

Mr. BRIGGS. What size crews do they carry?

Mr. SIMPSON. The *City of Detroit* carried a crew last year of 250, the *City of Cleveland* 225. The *Eastern States* and *Western States* are ships of a little over 3,000 gross tons, which run to Cleveland. Their runs are 7 hours and 15 minutes between Detroit and Cleveland, and the run to Buffalo is 12 hours, over a 226-mile run, leaving Detroit at 6 o'clock every evening and at the other end 6 o'clock in Buffalo. Our business consists of passengers and freight. I do not imagine you are interested in the class of freight: it is general merchandise—automobiles, tourists, and passengers. We operated two other steamers on the Cleveland division that helped out in the busy season in summer, an extra steamer each night, 1,900 tons each, in each direction. Then there were other steamers mentioned here as taken off the run, the *Mackinac City* and the *Alpena* 2d. Those are the steamers mentioned here as taken off the lines. Where it is the intention of the company to take them off the run, last December or January, they called me in and said: "Those boats have lost money last year, and in planning for crews this year you should leave them out of the race."

The year before on this Mackinaw division they also told me that they had been planning for a schedule, that they lost money, but it has been their endeavor to try and make that up instead of running two trips a week from Detroit to Toledo to Mackinaw and return; that would be four trips for the two boats. We try to plan on a schedule. They had the figures—I do not have them here—to eliminate some of the ports that lost the most money, that lost business, and we planned a schedule of three trips a week for each steamer, making practically daily service, except Sunday, out to Detroit. They operated the steamers on that schedule last year from the 15th of June to the middle of September, and, as I said, last December or January they told me they lost a lot of money. I will say that what contributed to that loss, to my knowledge, would be not so much the extra crew. They did have an extra crew, not in such large numbers as you have heard, in some of the steamers, not the small boats. In the larger ones they did have a considerable crew. On the larger steamers there is no doubt but what they made some money. I know they made money. I do not know that from a technical standpoint, but I know I got some returns from what little stock I had.

I would say in support of this new bill that at the passage of the original seamen's act we had the 2-watch system all over our steamers. After the passage of the act we had to put the 3-watch system in the engine-room crews, not engineers. I appeared before this committee at that time and I stated at that time we did not require that, and I still insist we did not require it. We have not had any real benefit from that. Of course, the men, instead of working 12 hours, did work 6 hours.

That applies to the Mackinaw division, the Cleveland division, and the Buffalo division. Going back to the Mackinaw division, of course, this bill, if they were running and going to run, they would be 24-hour runs, and they would be the 2-watch system in the engine room; it would restore the 2-watch system in the engine room, except the fire hold, which would be 3-watch system. I would say on these two boats they had the 3-watch system when they were built in 1893. They were a peculiar type of construction boilers, and the company and constructors felt that was the best operation for those two steamers. It worked out all right, but on all our other steamers it was the 2-watch system, especially on the Cleveland division, where they ran 7 hours 15 minutes 3-watch system.

I would say that the Mackinaw boats last year in the middle of the season did not do a good business. We could say that the seamen's law did not have any effect on that boat. I do not see that they did on last year's business, but when I ran on that run for 20 years myself I never had a Thanksgiving dinner at home in all that time. I mean, when we started we started in the early spring, when navigation opened, and ran until the 1st of December. I haven't got the dates that the steamers started since the passage of the seamen's act, but they started right out as usual and ran pretty well up to Thanksgiving time. It is my impression from the officers that at the middle of the season they would make some money and at the end of the season, of course, they can not make any.

The steamers are licensed for about 700 in the summer, up to the 15th of September, and after that time the license is for 160 or 162.

For instance, they leave Buffalo with one of these boats with 400 or 350 people, or whatever the case may be, on the 14th or 15th of September, and we would unload the freight and turn around at Mackinaw, and coming back could only carry up to 160. She put on the same business at Mackinaw and releases people all along the line. The vessel master can not explain to the public the reason for not taking them. They give you the reason, that you got yours and did a big business during the season, and you are satisfied, and the public could go to—you know where. The company felt that after that period, of course, right up to the end of the season, we did not require her full certificate. I would say 160 was not enough for probably 10 or 12 ports for each steamer in the fall. In that way we are driving them away, and those boats can not make money with freight alone. They carry a big load all on deck, classed, as you have heard here, as potatoes, vegetables, and grains, and stoves, and regular general merchandise. In that way the company has reduced the season, and we kept on reducing it until we lost business; that is all. I certainly contributed to the seamen's act. I do not contribute to the number of men they put on, that it was material in the laws, because some of the figures that I have heard mentioned are quite high. But I do say of the service that we gave the people that we gave them just as good service during those summer months last year as ever before. We gave them better. But the early season was not a paying game, and the late season certainly was not a paying game.

In that way, if these steamers were restored on that route they would have the benefit of the 2-watch system, except in the fire hold, and another thing would be the extension of the season. It is my understanding from hearing the few remarks that Judge Hardy made that we possibly could expect restoring this lengthening of the season.

Mr. HARDY. I think that has been agreed on by the former committee; not by this committee, however. It was by this committee at the last session.

Mr. SIMPSON. If the extension of the season was restored, or we had any reasonable belief that it would be—I will not talk on that further because it would be unnecessary—that would help us a great deal. It would certainly help us an awful lot on the Mackinaw division.

Mr. HARDY. I understand you that your main losses have been because of the fact that you can not accommodate the passengers that would have come to you if you could have carried on until the 15th of October?

Mr. SIMPSON. Yes, sir. We could in the *Alpena* and *Mackinaw*, but have no way of arriving at the loss. There is a great crowd of people. You can not explain to them the only reason we went into port there was to get Mr. Pepcorn's fish or somebody else's potatoes or their fruit. It would be better for the master of the ship to go on by these people; but we have an advertised schedule and have to go in whether we take on anybody or not.

Mr. HARDY. If there were no law restricting you, would you run to the 15th of October?

Mr. SIMPSON. I should say, if there was business there to be gotten. The reason we lost the business was we shut the season there and it was diverted to other routes by rail, and it is hard to get it back.

Mr. HARDY. Some of these vessels run only 75 days, not a limitation of law but a limitation of business.

Mr. SIMPSON. I would say in answer to that, as to those boats I can not see any reason why—that there is no reason why they should run up to as late as when I was on.

Mr. HARDY. What date was that?

Mr. SIMPSON. Thanksgiving time, the last of November, starting out the 15th of January.

Mr. CHINDBLOM. That was only the *Christopher Columbus*, testified to as 75 days, and it is a particular business between Chicago and Milwaukee that runs in the vacation period, when the schools are in vacation.

Mr. SIMPSON. None of the other boats run like that.

Mr. HARDY. Some man said he had another vessel that ran about four months.

Mr. CHINDBLOM. Is there any vessel that makes that run now besides the *Christopher Columbus*?

Mr. THORP. No, sir.

Mr. HARDY. You said you had another vessel run about four months.

Mr. THORP. Chicago to Michigan City; about the same time as the *Christopher Columbus*. We have two other boats that run under four months.

Mr. HARDY. You have two that run under four months and two that run 75 days?

Mr. THORP. And two that operate freight.

Mr. SCOTT. In view of this interruption—you have indicated that your business has been decreasing—I ask you whether or not the fact that in consequence of this law you have been obliged to leave passengers on the dock and not be able to carry them after they purchase tickets entitling them to go on the boat, that law preventing you from carrying them because you had your number on board that you were privileged to carry, whether or not that has affected not only your passenger but also your freight business?

Mr. SIMPSON. It certainly has, and the business got away from us.

Mr. SCOTT. People would go down there with the expectation of getting on your ship, and you might have freight with them, and when you could not take them abroad would not do any business with you and it would take away that business.

Mr. SIMPSON. It was our intention that we should have much larger and bigger boats on that run, and there is no question the way business went while I was there—even at that time there were indications that you had to have larger boats, and we at the present time have been figuring on building two of the finest boats in the world.

Mr. SCOTT. And putting them on the northern division?

Mr. SIMPSON. Not only Mackinac run, but other runs; restore other boats, too.

Mr. SCOTT. The *Alpena 2d* and the *City of Mackinac* are never boats, larger than the original *Alpena* and *Mackinaw*?

MR. SIMPSON. Yes; these boats twice, since I have been there, were replaced with larger boats. I would say that the Mackinac boats are not the only boats that have been turning business away in our line. We have had steamers, in fact, almost all of our steamers on the Buffalo division and the Cleveland division turn passengers away numerous times. Take the *City of Detroit 3rd*, that was built for 4,000 passengers, that crosses the lake in shoal-water service, and before the passage of this act, the *City of Detroit 3rd* was licensed for 2,214. After the passage of the act she was licensed for 1,886. She could not carry that many. We added quite a lot of equipment. I will say, going back to the Mackinac division steamers, by the passage of this act, they were not allowed to carry anybody with the equipment they had on her. She had to add 100 per cent equipment to operate those boats to carry 700 people under the 50 per cent clause, and that is between the middle of May and September. As I said before, the *Detroit* and the *Cleveland* on the Buffalo division have turned people away every year since the passage of that act in numerous trips after the 15th of September. There is no way of arriving at the number of people you turn away. We have turned them away numerous times on that 50 per cent clause around the 4th of July and Labor Day and even Saturday nights during the season. There is no way of arriving at the real loss, although those boats made some money. They are running between two of the greatest cities on the Great Lakes and they certainly are making some money. The loss did not put them out of business, but it certainly has put the Mackinac division out of business.

You talk about the able seamen. The *City of Detroit 3rd* is required to carry 25 of the able-seamen type. I notice in Mr. Newman's statement here that is a different crewing regulation than we have worked out, and I wish to thank Judge Hardy for that. I appeared before this committee at that time and he brought out, to my satisfaction, that we could use able seamen in other departments. I was reading over the testimony last night to brighten up my mind. He brought that question out and the Judge reached an understanding, and said this captain here is under the impression that he can not use those men in other departments. Well, we have used them in other departments.

MR. HARDY. I made the same suggestion a moment ago to somebody on the stand, that they had able seamen, anyway.

MR. SIMPSON. Yes, sir; we have not had trouble with the unions. We have not had strikes or interruptions. There was a question that came up just under that regulation, that we were using able seamen for other departments, and we did really have a tie-up and we did have to agree to put on a few men in order to get going. Of course, the seamen's act did not say that: but, in order to get going, we had to do that. It is considerably over 40 that we have added in our fleet on account of the seamen's act.

MR. HARDY. In the entire fleet or just one ship?

MR. SIMPSON. The entire fleet. I do not wish to go into the three-watch system, because while the act may have had something to do with it, it is not in the act. We put in the three-watch system connection.

MR. HARDY. How many ships did you have that involved that increase of 40 members? How many ships in your fleet?

Mr. SIMPSON. Eight ships. It runs from 12 on one ship down to only 2 on another.

The impression has been given here—that is, the impression I got—that this amendment in the bill for less than eight hours would mean that there would be one watch on the boat. We have got a route of 7 hours 15 minutes. I never would consent for those boats to run on one watch. They have got to have two watches, because there is work for these men to do while in port, whether running or not. The boat would be a nice looking boat if you just had your crew on watch when they are running. She has to be taken care of just the same as a hotel or place where you live. I would say, too, that I do not care what they do with the law. I would never consent to operate my boat with seamen whether they gave me the privilege or not.

Mr. HARDY. You want certificated men?

Mr. SIMPSON. I want able seamen, whether it is judged by the local board of inspectors or by me. I will say that the seamen we have been employing since the passage of the act are the same men as before. They come aboard with a ticket; that is the only thing different. They were the same men.

Mr. HARDY. In other words, the law just provides a means by which the fact can be certified that they are qualified seamen.

Mr. SIMPSON. Now, whenever a new man comes with a ticket you have to take it for granted he is an able seaman. Before that you would not know about it. He would not have any ticket, and I would say if this provision were in the amendment that he could use certificated lifeboat men in lieu of able seamen, that we could use those. I would say that the only boats that we would ever care to use those would be for the manning of equipment. That is, I would not want to take a man that came down there with a certificated lifeboat ticket and ship him as a wheelsman; not on your life.

Mr. HARDY. You mean that the only place you would want to use him on is in the manning of one of those life rafts or boats?

Mr. SIMPSON. I think we should have the privilege of using him there. There are about 15 persons on a life raft. I would say 15 or 9 or 10, or simply 9. You have 100 persons on our deck and carry 1,886 passengers and have something like 4,000 life preservers on that steamer. All passengers help themselves to life preservers; why not let them help themselves to the rafts? If you are going to have a disaster on that boat, which I hope we never have, when you are getting your passengers off what is to prevent them from helping themselves to small rafts? They can not help themselves to the big rafts.

Mr. BRIGGS. How much of an equipment do you carry on the larger vessels; how many boats?

Mr. SIMPSON. On the larger boats we have 20 lifeboats and 26 life rafts.

Mr. BRIGGS. With what capacity of boats?

Mr. SIMPSON. The boats average 30 persons and the rafts 25 to 15. The reason that we adopted 25 and 15 was on account of the fact that we would not have to add men. The 25-person raft increases the able seamen and the 15 does not. Two rafts with 15 and 25 makes 40 people. Our boat holds 30 persons: some able seamen operate those two rafts.

Mr. GAHN. Are those out-of-season requirements of the old act such that you cannot meet that law?

Mr. SIMPSON. On these Mackinaw boats you could not meet that. We put 100 on them after the passage of that act. Those boats are not in the condition as when I was there.

Mr. GAHN. It is a question of not having room on the boat?

Mr. SIMPSON. Yes; and a question of not taking care of the watch.

Mr. DAVIS. Do you consider three watches too much for these boats that make a trip in 7 hours 15 minutes?

Mr. SIMPSON. I certainly do.

Mr. DAVIS. Do you consider two watches proper?

Mr. SIMPSON. I would say in answer to that, there are lots of boats on a little run of 7 or 8 hours, probably where one watch would be enough, but I say on all of our boats, which are passenger boats, they must be taken care of, and there is as much to be done at dock as when they are running. In the forward department and in the engineers' department there is a lot of work to be cleaned up and it has to look as good as the lobby in the New Willard. Since adding of the extra watch, it has not improved any at all. I know that it has improved in the forward department. Some of you gentlemen say we have been compelled to put them in. Of course, we did have to put them in last year. We put them on. But I know that on some of our steamers under the two-watch system the year previous, there was only one man on one steamer, that she carried two wheelmen. There was only one of these men we had in 1919, and I know there were 11 changed on the 3-watch system in 1920. It is a turnover. I would not sit here and tell you gentlemen a man would rather work 12 hours than 8. The same man was a better man when he was working 6 hours watch. He was not putting in his time at the wheel when she was not running. You will hear, too, that 8 hours is a proper day's work for any man ashore, and I certainly would rather work 8 than 12. It is a different proposition on a boat on these short runs. One man goes on watch and stays 4 hours and another man goes on watch and stays 4 hours, and another man goes on watch and stays 4 hours. He is not there half an hour before he gets the watch, goes out and has his supper and is back on watch to relieve the other fellow in the half hour. If he was home he would be away from his home, if he worked 8 hours ashore; he would be away from home 12 hours, have to go 4 or 5 miles to work. He is right there at his work. The men were perfectly satisfied under that system. I will not say that they would rather work 12 hours instead of 8.

Mr. BRIGGS. Is there anything in the seamen's act that requires them to do three watch?

Mr. SIMPSON. Only in the engine-room department. We certainly do. The wages for firemen and water tenders run the same as the able seamen. Those men in the engine room were always before under the two watch and when they got a 3-watch system it was their man who gave these people the laugh when he was putting all 4 hours there. They legislated for the engineers' crew and they did not have a mess crew. The original legislation when it came up was for three watch in the mess crew. I do not know how we defeated it, but they did not get away with it.

Mr. SCOTT. How long has that company been operating up there?

Mr. SIMPSON. I have been with them 32 years. They were there before that.

Mr. SCOTT. You were captain on one of the ships that ran up from Detroit to Mackinaw for several years?

Mr. SIMPSON. Yes, sir.

Mr. SCOTT. Prior to the passage of this act, during the 32 years that you were in the service, how many passengers were lost? How many lives were lost?

Mr. SIMPSON. There were not any lost.

Mr. SCOTT. You are sure of that?

Mr. SIMPSON. I am positive.

Mr. SCOTT. How many have you had lost since the adoption of this act?

Mr. SIMPSON. We have not lost any. I had a little statement on a card of that.

Mr. SCOTT. How many passengers have you carried?

Mr. SIMPSON. I have not got the number of passengers that we carried, but I have the number of passengers carried on the Great Lakes. I would say, just as I said before, I think the Great Lakes passenger steamers travel is the safest mode of travel in the world. In fact, right up in Detroit, where they carried this last year over 13,000,000 people, I would say there were more lives lost in Detroit and suburbs by drowning out of automobiles than there are out of passenger lines—people driving off the dock or going into the creek. Before the passage of the act there were 12,000,000 people carried in the eighth district. There were 13,000,000 people carried, total in 1914, and 8 lives lost. In 1915 there were 16,000,000 carried and 5 lives lost.

I have a total at the bottom here where we have got seven years here in this report, and the inspector says there were 24 lives lost by suicide. That would be three of the five to come off for suicides, which would only leave two. So it has not improved any; that is a cinch. They have not lessened the number of lives lost by any means, and I can not see any material improvement. I would say that we are not going to be bankrupt if we do not go on. But I do say that with some of these boats, after listening to this testimony, it is more serious than I thought it was. The contributing factor in my mind, the major factor, is the business that we turn away that we have had there and have lost. For instance, I heard of a case just yesterday where a lady and three children came down to catch the boat at Alpena, and came in from the country 20 or 30 miles, got down to the dock, and then they said, "We can not take you." "Why can not you take me?" "Simply because we can not. I have to return about 90 tickets here that we had sold. We have a report from the boat that she can not accept any more passengers."

There is one case I have got confused with several cases cited, whether this was the case that they could only take on four. I thought the case where the lady was turned back with two children they could not taken any more. What about the advertising these two little children that have planned on that trip for weeks and that mother? They went back to find a hotel in Alpena and it was filled up. What did she have to do? She had to get some kind neighbor to take her in or carry the banner all night

On a route where we never lost a life in our life, I think it unjustifiable to give us these restrictions. There is a run that would

be one of the greatest in the United States, and there is no reason why it should not be. Up through that district you hear these men testify that the agriculture and other industries all over are suffering over it.

Mr. SCOTT. Under the present regulations your fleet, the D. & C. Navigation Co., known as the Mackinaw division, operating these two ships, are the only passenger lines that stop at the ports between Port Huron and Mackinac Island, covering the whole shore, the whole Lake Huron shore, a distance of approximately 25 or 30 miles. Is that correct?

Mr. SIMPSON. Yes; our run from Toledo to Mackinaw.

Mr. SCOTT. It is the only passenger service by water that we have had in years in that section of the country. Is that true?

Mr. SIMPSON. It certainly is.

Mr. SCOTT. And now this year, after your experience during the past few years, you have notified the people up there, and you are determined you will not run your passenger line between Detroit and Mackinaw, leaving out Port Huron, Harbor Beach, Oshkosh, Ausable, Harrisville, Alpena, Roger City, and Cheboygan. Is that correct?

Mr. SIMPSON. Yes.

Mr. SCOTT. Representing a population of approximately, conservatively, 150,000 people, who have been doing business with your ships for the last 35 years?

Mr. SIMPSON. I would like to ask if there is anybody here that has ridden on the D. & C. boats and what they think of the service—any one of them? Take the Mackinaw division. The menu is the same on the Detroit and Cleveland, and second to none in the nature of the service on those boats. I have been master there for years, and know more about the service there than any other man, not barring the general manager or president, because I was right in close touch with those boats all the time. When I was coming here the other night on the train two gentlemen sat opposite me and were talking about meals. One mentioned that the meals were good, and in speaking about travel, in the course of their talk it was interesting to me when they mentioned travel between Detroit and Buffalo. One of them said, "Did you ever have a meal on one of those boats?" He said, "Yes; I do not know when I enjoyed one more than I did on that boat. The boat leaves early in the evening and gets to Detroit or Buffalo at 8 or 9 o'clock in the morning. It is grand."

Mr. HARDY. Will not your boats run longer if the season is extended?

Mr. SIMPSON. I could not assure you on that, Judge; but I should say if it is not too late the business is not gotten away.

Mr. HARDY. That is the trouble you have had?

Mr. SIMPSON. Yes.

The CHAIRMAN. We will meet to-morrow morning at 10 o'clock to hear the opponents.

(Thereby the committee adjourned to meet again at 10.30 o'clock a. m. Wednesday, May 4, 1921.)

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Wednesday, May 4, 1921.

The committee met at 10.30 o'clock a. m., pursuant to adjournment, Hon. William S. Greene (chairman) presiding.

The CHAIRMAN. The committee will please come to order. There are one or two more of these parties that want to finish their case. When they have finished we will give all the time that is necessary to the other side.

MR. MACLEAN. Mr. Chairman, I believe that some member of the committee inquired yesterday regarding the ships that have been taken off the Lakes on account of the operation of the present navigation laws, and I do not believe the information has been given yet. I will therefore call on Mr. H. W. Thorp, of Chicago, to state the names of the ships that have been taken off of the Great Lakes.

FURTHER STATEMENT OF MR. H. W. THORP, CHICAGO, ILL.

MR. THORP. All that I have, you understand, are the passenger ships.

MR. MACLEAN. The passenger ships are what I refer to, not the package and packet freight ships.

MR. THORP. I wish the gentleman who sat here might be here to get this, because he seemed to think there were only two or three, and there are a great many more.

You were told yesterday, or day before yesterday, of four Put-in-Bay boats. There was also the *Northland*, a large steamer. The Government took from the Great Lakes the steamship *Virginia*, which has never returned and has never been replaced by any other boat. The Government took the steamship *Minnesota* from the Great Lakes. Both of these are large passenger ships, and have never been returned, and there is no boat to replace them.

MR. BANKHEAD. Where did those boats operate before they were taken over by the Government?

MR. THORP. The *Northland* operated between Buffalo and Chicago, one trip a week, a round trip a week. You understand this all occurred since the seamen's act went into effect. The steamship *Virginia* was owned by the company I represent, and was operated between Chicago, Grand Haven, and Muskegon. She has not been replaced by another boat; but we have taken one of our fleet to put her in place of that boat, reducing our fleet by one in that particular instance.

MR. BANKHEAD. Where does the *Virginia* ply?

MR. THORP. Between Chicago, Grand Haven, and Muskegon, Mich.

MR. BANKHEAD. Weekly trips or daily?

MR. THORP. No, sir; three times weekly; three and a half round trips. The steamer *Minnesota* plied between Chicago and Buffalo a round trip a week, a large passenger steamer handling practically nothing outside of passengers, except automobiles; no package freight at all.

The *Virginia* was a package freight boat as well as a passenger boat and a large ship about 300 feet long and accommodating 300 people in staterooms. She was allowed about a thousand people.

You were told that the *Rochester* was transferred to Canadian registry on account of the act. That is a loss to the American merchant marine, any way.

The *City of South Haven* was taken over by the Government. She operated between Chicago and South Haven, Mich., during the summer months, making a round trip daily, and in the fall and spring three round trips a week. I will say that she has been replaced by another steamer very late last fall, but only after their business had been very badly demoralized, not having had any adequate service for about two years. The steamer that has replaced her is a very much smaller steamer.

The company that I represent has operated from Chicago to points north of Milwaukee ever since the law came into existence. Previous to the seamen's act there were times that we had daily service and times that we had triweekly service. Now we give no service at all except a passenger service during two months in the year. We own our own terminals at Cheboygan, Mich., and at Manitowoc, Wis. Those terminals represent an investment of over \$100,000 that are absolutely lying idle and have laid idle for over one year.

Mr. MILLS. What is the reason for that?

Mr. THORP. Because we have discontinued operations north of Milwaukee, except for two months in the summer, doing a strictly passenger business, carrying no freight whatever.

Mr. MILLS. Why have you discontinued the service?

Mr. THORP. Because of the fact that we could not make any money out of it, and the two months we might run in the summer time were very little help, and we discontinued our freight business entirely.

Mr. MILLS. And those conditions only began last year?

Mr. THORP. Two years ago we discontinued. We went along just as long as we could under the conditions we were operating under before we gave it up. We lost money before we gave it up.

Mr. HARDY. Does the Emergency Fleet Corporation operate any vessels there?

Mr. THORP. No, sir; none on the Great Lakes at all, and never has.

Mr. HARDY. There are no Government vessels running there?

Mr. THORP. Not in the freight business; no, sir.

Mr. KIRKPATRICK. One of the witnesses spoke yesterday of the city of Toledo losing two boats, and two of the D. & C. Line. Was that because any boats were taken off there, or simply because they cut out their stop at Toledo?

Mr. THORP. I can not answer that question entirely, sir, because I am not fully familiar with the conditions down there. We operate on Lake Michigan alone.

Mr. KIRKPATRICK. You are only speaking of Lake Michigan now?

Mr. THORP. Absolutely.

Mr. C. F. BIELMAN. The D. & C. Line, on their Machinaw Division last year, as Capt. Vincent told you yesterday, cut out the unprofitable points, Toledo being one of the points.

Mr. THORP. For many years our company operated a daily line of steamers between Chicago, Grand Haven, and Muskegon from early

spring to late fall. In the last four years we have cut our service, spring and fall, to triweekly service. As I told you yesterday, we operate the year round. We are the only steamboat line that has appeared before that operates 365 days of the year, and we do operate in the winters as well as summers.

Mr. BANKHEAD. Did you state what company you were interested in?

Mr. THORP. The Goodrich Transit Co., of Chicago.

In addition to the steamers I have mentioned, you already know of the *City of Alpena* and the *City of Mackinaw*, and I want to say this, that it was brought out that there is not any bluff about taking those boats off. Those boats were offered to our company and a price put on them, and I personally went down with our consulting engineer and went through those two steamers with a view to perhaps purchasing them.

Mr. SCOTT. What two steamers are they?

Mr. THORP. The *City of Alpena* and the *City of Mackinaw*. There is no bluff about that.

Mr. SCOTT. I know it. You do not have to argue that to me. Were you offered the *Chippewa*?

Mr. THORP. I understand there were negotiations for the sale of her.

Mr. SCOTT. The *Chippewa* has operated in my district, and the other two ships, too, and I know absolutely that the *Chippewa* has been for sale.

Mr. THORP. I had letters from the D. & C., and I immediately went down and inspected those boats with a view to perhaps purchasing them. A price has been put on them, and anybody who has the money can go there and buy them to-day. That is a fact.

In addition to the *City of Alpena* and the *City of Mackinaw*, if they are taken off the *Chippewa* and the *Islander* will be taken off.

Mr. HARDY. Whom do they belong to now?

Mr. THORP. They belong to the Arnold Transit Co., of Mackinaw.

Mr. CHINDBLOM. Did you investigate the question whether it would be profitable for you to run the *City of Mackinaw* and the *City of Alpena*?

Mr. THORP. No; we did not. There were a number of reasons, I will say, that we had, possibly.

Mr. CHINDBLOM. I do not think it is any of our concern, really, why they did not buy, except as your failure to buy may have been occasioned by the prospects of doing business, or the lack of prospects of doing a profitable business.

Mr. THORP. This was quite early in the year with us, some time back. I will say that I was in Detroit more than two months ago—nearly three months ago—looking at the books. Our business is not what it ought to be at the present time. We are suffering just as other businesses of the country are suffering, and we decided, with the boats we have, we could reroute them and get along without putting more money into steamboat power. That was one of the reasons why we did not purchase, but we certainly went there with sincerity.

Mr. KIRKPATRICK. Mr. Thorp, you say you operate all the year round?

Mr. THORP. Yes, sir; we do.

Mr. KIRKPATRICK. Do you meet the out-of-season requirements of the shipping act?

Mr. THORP. Do we meet them?

Mr. KIRKPATRICK. Yes.

Mr. THORP. Yes; as we have to do.

Mr. KIRKPATRICK. One of the witnesses testified yesterday that it was impossible to meet those requirements.

Mr. THORP. I do not recall in what connection any such testimony was given.

Mr. KIRKPATRICK. It was in answer to a question of mine.

Mr. SCOTT. He said it was impossible to meet the requirements of the law and carry the real carrying capacity of the ship.

Mr. KIRKPATRICK. I understood him to say it was broader than that; that he said the weight of the equipment, etc., was so great that it could not be carried at all on his boats.

Mr. SCOTT. The *City of Alpena*, we will cite as an illustration. I am more familiar with those boats than I am with the others. The *City of Alpena* is allowed to carry between 700 and 800 passengers during the summer season, with the present requirements of the law relative to life-saving devices. As I understand, under the law they are only given credit for two lifeboats and life rafts. They have to carry enough life rafts and lifeboats on the decks of each ship to accommodate 100 per cent of the passengers and crew.

Mr. KIRKPATRICK. I understand what the requirements are.

Mr. SCOTT. Now, after the 15th of September, on the 16th of September, that same boat would have to carry life rafts and lifeboats; if she wanted to carry 800 passengers, she would have to carry enough lifeboats and life rafts to accommodate the entire 800 passengers, together with her entire complement, or her entire crew. The gentleman who testified yesterday said it was almost an impossibility to put the equipment required under the law on that ship so that she could operate and carry the 800.

Mr. KIRKPATRICK. To carry the same number?

Mr. SCOTT. Carry the same number.

Mr. KIRKPATRICK. They could cut down the passengers?

Mr. SCOTT. In fact, she is now, during the summer season, with the requirements 50 per cent, carrying every pound of life-saving devices that she is able to carry of that character.

Mr. KIRKPATRICK. What he meant was that it was impossible to do it and not cut down the number of passengers?

Mr. SCOTT. Yes.

Mr. KIRKPATRICK. I see.

Mr. THORP. In reducing our service north we last year sold one of the steamers taken off that run, the steamer *Georgia*, which is now on a run replacing a boat that was lost a year ago last October; so that it makes one less boat on Lake Michigan—one less passenger and freight boat. I think that makes 10 or 11.

Mr. HARDY. Will you let me ask you this one question: If the La Follette law, so called, requires accommodations, or at least provisions, for the safety of 50 per cent in the summer time and 100 per cent in the wintertime, how does that law make their winter passenger capacity less than 50 per cent of their summer capacity?

Mr. SCOTT. Because it does not take in the crew.

Mr. HARDY. I understand; but the crew would be a little more in the excursion steamers—the crews are larger. Now, as I understand it, 50 per cent of the accommodations in the summer time is required?

Mr. THORP. Yes.

Mr. HARDY. And 100 per cent in the wintertime?

Mr. THORP. Yes, sir.

Mr. HARDY. Provision for passengers and crew?

Mr. THORP. Yes, sir.

Mr. HARDY. A large part of your crew in the summer time, when you have these big excursions, is in the cooking department—or what do you call it?

Mr. THORP. The culinary department.

Mr. HARDY. The steward department?

Mr. THORP. Yes.

Mr. HARDY. Now, as you lessen your passengers you lessen your steward department, too, do you not?

Mr. THORP. Yes, sir.

Mr. HARDY. So that your crew would be diminished if your passenger list was diminished?

Mr. THORP. Yes, sir.

Mr. HARDY. Now, then, your requirements of 100 per cent in the winter and 50 per cent in the summer—I want to know how that cuts the 2,800 passenger list down to 400?

Mr. THORP. I am prepared to tell it. It has not been brought out here, but no one has read that law. To begin with, the number of passengers that will be allowed during the summer months is 50 per cent of the life-saving equipment, not lifeboat equipment, divided two-fifths boats and three-fifths rafts. In the fall of the year it is 100 per cent—75 per cent boats and 25 per cent rafts—and you will find that is where the difference comes in. We get allowance for all that we are entitled to under the law, and with the same amount of equipment we are kept away below 50 per cent after the season is over because of the way that law operates.

Mr. HARDY. Well, the reason for requiring more boats in the wintertime is because the water is cold and it would be dangerous if a man got out in it on a raft.

Mr. THORP. That has been cited as the reason for the law.

Mr. SCOTT. You mean by the wintertime from the 16th of September? Those are the requirements after the 16th of September.

Mr. HARDY. Then, as I understand it, you can carry 75 per cent of your life-saving apparatus in the winter in boats and 25 per cent in rafts?

Mr. THORP. That is the law.

Mr. HARDY. And you have got to have 100 per cent life-saving capacity——

Mr. THORP. One hundred per cent life-saving equipment, divided 75 and 25——

Mr. HARDY. In the summer?

Mr. THORP. Fifty per cent, divided two-fifths and three-fifths.

Mr. HARDY. So that the calculation is on that basis?

Mr. THORP. Yes, sir.

Mr. HARDY. Whatever it works out?

Mr. THORP. That is where you get the reduction of the number of people. Is that fully answered?

Mr. HARDY. It is fully answered, except it might be illustrated, but I do not want to take the time of the committee now for going into it.

Mr. THORP. In regard to the number of boats that have been taken away, there are the *Northland*, the *Rochester*, the four Put-in-Bay boats, the *City of Alpena*, the *City of Mackinac*, the *Chippewa*, the *Islander*, and three boats of the Goodrich Transit Co., which, I think, makes 11 or 12; and I want to say to you now that all of the passenger boats on the Great Lakes do not amount to 60 boats. That is over one-sixth of the number of boats that were in operation at the time the seamen's act went into effect.

Mr. MILLS. Where have they gone?

Mr. THORP. The *Northland* was scrapped; the *Chippewa* went under Canadian registry; the *Virginia*, that we owned, has gone to the Pacific coast. The Government commandeered her. She has since been sold, and is operating from San Pedro to Catalina Islands.

Mr. MILLS. Is it not true that a number of Lake vessels were sold during the war, when there was a great demand for shipping, at a big price, and transferred to the ocean traffic?

Mr. THORP. Not one passenger boat, not one combined freight and passenger boat. I brought that out very strongly here the other day. There were four steamboats—four passenger and freight boats—taken from the Lakes, and they were commandeered by the Government, and we were not given anything like the value of the ships.

Mr. MILLS. And the boats that I have in mind, then, were all freight boats?

Mr. THORP. Outside of those four—yes, sir; absolutely. You can gamble on that. So there is a number equal to one-sixth of the present fleet that are no longer on the Great Lakes.

Mr. MACLEAN. Mr. Chairman, the Burroughs Adding Machine Co., of the city of Detroit, appointed a delegate to come here to tell you how the lack of shipping affects their business. This gentleman was prevented from coming, and has forwarded a letter, which, with your permission, Mr. Chairman, I will ask the secretary of our delegation, Mr. Thomas M. Munger, to read.

(Mr. Munger thereupon read the letter referred to, as follows:)

BURROUGHS ADDING MACHINE Co.,
Detroit, Mich.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
Washington, D. C.

GENTLEMEN: We would like to go on record as being heartily in accord with any change which can be made in the present seamen's law which will be of benefit to the shippers and receivers of freight in the Great Lakes region.

1. The act in its present shape will eventually, by reason of the burden of unnecessary expense, force the package freight carriers to discontinue operating. In certain instances package freight service has already been curtailed and in other instances has been entirely discontinued. The result of this situation will be:

(a) Congestion of traffic on the railroads.

(b) Increased freight rates.

2. The tonnage now handled by Lake freighters has grown to enormous proportions. If the boat service is discontinued and this accumulation of freight is handed to the rail carriers, it will, under normal business conditions, result in overloading the rail carriers.

We experienced a serious congestion last summer, caused by a strike of railroad employees. This congestion was directly responsible for the placing of embargoes by the railroads and express companies on shipments out of and into Detroit. This situation seriously embarrassed all shippers in Detroit. In our

own particular case the White Star Line and the Detroit & Cleveland Navigation Co., on shipments destined south and east, and the Great Lakes Transit Co. and the Michigan Transit Co., on shipments destined west and northwest, proved our salvation. Without them we would have been unable to move our product, except when the rail carriers signified their willingness to accept it.

If the Lake freighters discontinue business and a similar condition of congestion arises with the rail carriers (and it is not at all unlikely in view of the present attitude of railroad labor), we and the other shippers of this section would be in a sad situation.

3. Water competition is an important factor in the construction of all-rail freight rates. The present all-rail freight rates to points in the States bordering upon the Great Lakes, and in some cases to points at a considerable distance from the Great Lakes, are influenced by the fact that the boat lines are competitive with the rail lines. It necessarily follows that if water competition is withdrawn, there is no incentive for the rail lines to expedite shipments, and little, if any, argument to oppose the increasing of all-rail rates over the bases in effect when water competition obtained. If the Lake carriers are forced out of business, it means an increase in freight rates from Detroit to Chicago, Milwaukee, Duluth, St. Paul, Minneapolis, Cleveland, Buffalo, and eventually the whole Atlantic seaboard.

Aside from the manner in which the question interests us individually, it is a matter of national interest. It not only affects Detroit and immediate vicinity but it affects the whole country as far West as the Missouri River for the reason that the transportation charges as far West as the Missouri River are based in many instances upon competition with the Lake lines.

R. E. JOHNSON, *Traffic Manager.*

MR. MACLEAN. Mr. Chairman, I wish to say that the testimony of the Burroughs Adding Machine Co., which is one of the largest shippers in the world, is the testimony of all the shippers of Detroit, and all the boards of commerce.

Mr. Chairman, we have other witnesses present, but I believe you have received probably all the information you desire. If so, I desire to thank you, Mr. Chairman and the committee, for your very great courtesy in listening to our testimony. We represent anywhere from 25,000,000 to 30,000,000 people of this country. We represent the great country lying along the Great Lakes from New York to Minnesota, and all that great country back of those States. The testimony you have heard is the testimony of the great Chicago Association of Commerce, the largest board of commerce in America; of the Detroit Board of Commerce, the second largest board of commerce in America; the testimony of the great Cleveland Chamber of Commerce; the Toledo Chamber of Commerce; and of all these great chambers of commerce along the Great Lakes. We have given you this testimony without any regard to order. We came here unorganized, and I called on the witnesses, as I believed they were ready to address you.

If there is any further information that you desire, a letter addressed to me at Detroit, Mich., will give you the information that you want.

We feel that an emergency exists in our country, and we are looking to you to give us legislation that will enable us to get these ships back on the Great Lakes and to get additional ships. If every passenger ship and every packet freight ship now in existence on the Great Lakes were in commission, we would not have half the water transportation that we need. If these vessel men can not run their ships profitably under present existing laws, then we must have other laws. Knowing a number of these vessel men as I do, as a citizen

of Detroit I would be perfectly willing for them to run their ships without any legislative enactment, because they are honorable men, with immense investments, and they have no desire nor incentive to run ships in danger.

You have heard that we have lost no passengers through the operation of the Detroit & Cleveland Navigation Co., which runs out from our city of Detroit. Hundreds of men are killed every year on the railroads, and yet we hear of no legislation looking to safety on the railroads; that is, not to any great extent.

Gentlemen, we leave our case with you, feeling that you will weigh carefully the testimony of these men from the great Northwest and that you will give us the legislation which we ask for, which is the bill introduced by the Hon. Frank D. Scott, a member of Congress from the State of Michigan. I thank you.

Mr. BANKHEAD. I want to ask the gentleman just one question in connection with the last statement he made, that Congress seems to have been in a measure indifferent—at least that is the conclusion I reached from his statement—in reference to safety appliances and hours of labor and the protection of employees and the public on the railroads. The gentleman did not make that statement advisedly, did he?

Mr. MACLEAN. I will answer that statement by saying in Detroit we have heard more about safety at sea than we have about safety on the railroads. Now, what action the Congress of the United States has taken looking toward safety on the railroads I do not know.

Mr. BANKHEAD. I rather assumed that from the gentleman's statement.

Mr. MACLEAN. I know we have many accidents on the rails, and we have practically none on the water.

Mr. BRIGGS. I want to ask Mr. Thorp a question. Did you hear the statement of Capt. Stimpson here yesterday?

Mr. THORP. I was here a part of the time during which he testified, but not all of the time.

Mr. BRIGGS. You heard Capt. Stimpson, did you, make the statement that the question of these extra men on watch was of small consequence, as compared with the disturbance, or, rather, the limitation on the time of the season?

Mr. SCOTT. Mr. Briggs, he said as far as these ships are concerned. They are very large freight-carrying ships.

Mr. BRIGGS. Yes; he was testifying with reference to the operation of his vessels, and that is what I wanted to ask Mr. Thorp about. I was going to ask what he had to say with reference to that matter, so far as his ships were concerned.

Mr. THORP. The increase in the crew is of considerable more importance to us than the length of the season. We happen to be on the other side of the fence, I think.

Mr. BRIGGS. To what extent have your losses thus far been attributable to the crew? Have your losses been running behind more than the amount of pay for the service for these extra men?

Mr. THORP. I have tried ever since I have been on my feet to-day that there are things in the bill that you people can not see, that we are up against, and that we have been compelled to employ men for longer seasons than we had use for them; and many other things that

have gone into the cost of operation of the vessels, that the increased number of men have had nothing to do with.

Mr. BRIGGS. You mean outside of the present law, but you claim the present law is responsible for them?

Mr. THORP. Yes, sir; that is it.

Mr. BRIGGS. That is all.

Mr. THORP. I want to say again that I am firmly convinced, more so than ever, that it is a labor-union proposition. If it were not a labor-union proposition why would these labor men be here? If it is a safety-at-sea proposition that is up here, is not this committee competent to say whether we are carrying enough equipment or not, or what we must do?

Mr. HARDY. You do not mean to say that this committee ought to hear only from the shipowners and not from the employees?

Mr. THORP. No; but it is very evident that it is a labor-union measure.

Mr. HARDY. You men have been as numerous in attendance as the labor people.

Mr. THORP. We have been very vitally interested. It has been putting us out of business.

Mr. HARDY. Do you not think they might be somewhat interested, too?

Mr. THORP. They evidently are, and that is just what we claim.

Mr. HARDY. You are both interested, are you not?

Mr. THORP. Very much interested.

Mr. HARDY. The committee should hear both side of the question, should it not?

Mr. THORP. I would be very glad to hear their side. I am here for that purpose.

Mr. CHINDBLOM. Is there anybody here representing safety at sea?

Mr. THORP. No, sir; there has not been one.

Mr. ROSENBLOOM. Perhaps this committee might be considered to represent that side of it.

Mr. THORP. That is what I think. I think this committee is competent to handle that question.

Mr. ROSENBLOOM. We represent the safety-at-sea proposition, you represent the shipowners, and these men represent the men employed in the ships, so that everybody is represented.

Mr. SCOTT. Not quite; that is the unfortunate thing. You are forgetting the people who are most vitally interested in connection with the whole thing, and I class myself as one of them. I never owned an interest in a ship in my life, except a rowboat. But you are forgetting such men as Mr. Collins, Mr. Piepkorn, and Mr. Fletcher, who were here to represent the boards of commerce and to tell you that 25,000,000 or 35,000,000 people who are consumers are the people who are vitally interested in the provisions of that law. I would add that to your statement.

Mr. ROSENBLOOM. And with another statement that this committee, in my opinion, must represent all the people who are not here—having a special interest. The people that have come here and pay their expenses are people having a special interest. Our expenses are paid here by the people you are talking about—out of their funds that are collected from them.

Mr. SCOTT. I am going to ask the permission of the committee to put in the testimony of a couple of farmers, who did not have the money to keep coming down here. Their testimony was heard last time; and, I think, it is vitally important that this committee should know it. You realize that there are many people up in that section of the country who can not afford to come away down to Washington. It costs them \$150 or \$200 to come down here and stay; but we have obtained a portion of their testimony, which is typical of the balance of the testimony that would be elicited were they here, and I want to ask the permission of the committee to insert, as a part of these hearings, the testimony of Mr. Rudolph Dulgent, of Roger City, that was taken before the Committee on Merchant Marine and Fisheries of the House on May 19, 1920.

Mr. HARDY. Why not ask for a reprint of all of that hearing, and let it be considered as a part of this hearing?

Mr. SCOTT. That would be all right, Judge Hardy.

Mr. HARDY. Both sides should be given the same privilege.

Mr. SCOTT. May I say this to you, that nearly every one of the representatives of labor, Mr. Conway, Mr. O'Brien, and Mr. Furu-
seth, every one of those gentlemen, is here and has been here during this hearing. They are here to-day, and their testimony is carried at length in this last year's hearing. Also the testimony of Mr. Thorp, and the other gentlemen, who represented the ship operators, is carried in the testimony of last year. But here are some farmers from my neck of the woods, who are not here to-day, and their testimony is, as I said, exactly the same to-day as it was a year ago.

Mr. HARDY. It is along the line that we have already gotten in the testimony of the witnesses here for this testimony, is it not?

Mr. SCOTT. Yes.

Mr. HARDY. That is my recollection.

Mr. SCOTT. Only I trust that you remember probably that these gentlemen went into details—showing the amount of farm produce—

Mr. HARDY. I have no objection to adding it to the hearing.

Mr. GAHN. I want to correct Mr. Rosenbloom in one regard, or, rather, try to put him right on this question. I think all members of the committee are interested in seeing safety on the seas and on the Great Lakes, but I would like to call his attention to the fact that we Congressmen from the Great Lakes, representing the people, too, in that section, and we feel that this seamen's bill is too stringent for the Great Lakes; that there is no need of any such stringent laws applying to the Great Lakes for the benefit of the safety of the people that use the Great Lakes, and, I think, Mr. MacLean's point was that, so far as the Great Lakes are concerned, we need more legislation on the rail end of it than we do on the boat end of it; not that he meant that there was no legislation for the railroads or the rail end of it, but, comparatively, the Great Lakes need very little legislation for the sake of protection.

Mr. CHINDBLOM. Mr. Chairman, I raised the question about the testimony here with reference to safety at sea. I would like to inquire whether there is any technical or expert evidence on that which can be obtained?

Mr. SCOTT. Of course, Mr. Chindblom, you are a lawyer—and a good lawyer, I assume, from what I have seen of you since you have been down here; and I do not say that to compliment you, because I think you are entitled to it—but there is one thing elemental in law, and that is that you can not prove that a thing does not exist. You can prove its existence, but you can not prove its nonexistence.

Ever since I was born I have lived on the Great Lakes all my life, and I have been on every one of the passenger ships that have been mentioned here to-day personally. I am now nearly 43 years old, and I have never known of a life to be lost since I have been on the Great Lakes in connection with the passenger-service operation. I have been in the biggest storms they have had during that time. I sailed continuously for four years. I was in the famous Galveston storm, on board a passenger ship, operating then with all the life-saving devices that were required by this law and that were put on the ships in accordance with the provisions and regulations of the Department of Commerce.

Mr. BANKHEAD. Did you happen to get overboard in the storm?

Mr. SCOTT. No; but sometimes I wish I had been overboard, because it would have been much easier than it was trying to hang on to the ship.

Mr. CHINDBLOM. Mr. Chairman, my point is this: If there was no necessity for the stringent provisions of this law upon the Great Lakes for the safety of passengers traveling upon these boats, that, of course, is an element, and an important element, in consideration of the question whether we should relieve the business interests and the shipping interests on the Great Lakes of the hardships which are imposed upon them by this legislation; and the testimony that there has been practically no loss of life upon the Great Lakes goes far toward establishing the proposition that these regulations may not be necessary for safety at sea. However, if that could be supplemented by any kind of expert or technical information, I think it would be valuable to the committee.

Mr. DAVIS. We might have a representative of the Department of Commerce.

Mr. CHINDBLOM. Yes; let us hear from the Department of Commerce. I think perhaps we are digressing right at this moment, except that there seemed to be a moment in the hearings when we were trying to map out the general situation here with reference to the testimony that is offered.

Mr. SCOTT. May I suggest this—and I do not want to impose my thoughts upon the committee, but in view of the fact that I have introduced this bill, and have introduced it every year since I have been in Congress, I rather feel in the position of being compelled to state my position.

This law was put on the statute books for some apparent reason. Now, I have not any question of doubt in my mind but what Congress was convinced that some remedial legislation was essential, and I do not mean to now question the accuracy of their judgment. That legislation was put on the statute books, and I have assiduously endeavored in my presentation of the amendment to be fair to everyone concerned. I have not gone to the extreme of asking that all life-saving devices be taken off, or that the character of life-saving devices

to be carried in the future on the Great Lakes shall be determined by the Department of Commerce. I have, in a large measure, left in my bill the determination of that feature to the Congress of the United States, in view of the fact that you saw fit, about the time of the adoption of the La Follette Seamen's Act, to by legislation determine the character of life-saving appliances that should be carried. I have refrained from carrying that feature in my bill.

Mr. DAVIS. I do not think any member of the committee questions your good faith, but I think this whole argument arose out of the question as to whether the other side of the proposition—not merely one provision of the bill—should be heard. But what is to prevent us from proceeding with the hearing?

Mr. BRIGGS. I would like to ask, in connection with that thing, Mr. Chairman, if Mr. Scott has not already done so, that he indicate clearly for the benefit of the members of the committee just what changes have been made in this bill from the existing law. There are quite a few new members, and this bill is quite complicated.

Mr. DAVIS. If you will permit a suggestion to Mr. Briggs and the other members of the committee, there are a large number of witnesses here from a distance. We are going to be here all the time. Let us conclude the hearings, and then when we go into executive session we can discuss the different provisions of the bill and hear any explanation that Mr. Scott wants to make.

The CHAIRMAN. I think that would be sufficient.

Mr. BRIGGS. But it seems to me, Mr. Chairman, that the testimony would be very much more intelligible if Mr. Scott would just make a brief statement of what changes his bill makes.

Mr. JEFFERIS. Has this equipment for life saving been utilized to any extent?

Mr. SCOTT. Of course, you understand that under the regulations promulgated by the Department of Commerce it is essential that the ship operators conduct their life-saving exercises so many times during a trip, so that to that extent all the life-saving appliances have been used; but as far as being used in an emergency is concerned, for the actual saving of life, they never have been on any of the passenger ships for the last 35 years.

Mr. JEFFERIS. I have in mind whether they just carried it or whether——

Mr. BRIGGS. All I wanted was a succinct statement from Mr. Scott as to what were the actual proposed changes in this measure, if you can make it.

Mr. SCOTT. Then, if I may have the attention of the committee, in the first place the present seamen's law was enacted in 1915 and became operative in 1915, but was presented to Congress in 1913. That law makes no distinction between the operation of ships on the Great Lakes and on the ocean. In other words, it is a uniform navigation law, applicable to all navigation except those engaged entirely in rivers, harbors, or sounds. You gentlemen are all familiar with the exception. As far as the Great Lakes are concerned, an infinitesimal portion of the shipping comes within the exception.

Now, we found early on the Great Lakes that the application of this law to our navigation was incompatible with navigation. We attempted to comply with the law as interpreted by the Department

of Commerce, and we have continued to endeavor, with the result, as has been shown, of the elimination of a very large part of our passenger and package freight transportation facilities.

I introduced this bill, and my first section meets one of the several vital things which resulted in the very large diminishment of our shipping facilities.

Mr. BRIGGS. You mean section 2.

Mr. SCOTT. In my section 2, yes. In that section I allow the sailors, oilers, and water tenders, while at sea, to be divided, on runs of 16 hours or more, into at least two watches, and the firemen into at least three, for any vessel.

Mr. BRIGGS. That provision right there does not provide for two watches where the run is less than 16 hours?

Mr. SCOTT. No; the proviso does; that where the run is 8 hours and less than 16 hours, the sailors, oilers, water tenders, and firemen shall be divided into at least two watches, and where the run is less than eight hours I make no provision.

Now, I presume that you will indulge me just a moment. I may take more than three minutes, but I hope at least that it will serve the purpose of making my view clear to the committee.

We have hundreds of small ships operating on the Great Lakes where the entire run during 24 hours is less than 8 hours, and in many instances it is 4 hours, and you have heard the testimony here where it is an hour and a half.

May I illustrate that? I illustrated it yesterday, but I notice there are a few new members here this morning who were not here then. Mackinaw Island is in my district. It is a very large summer resort. Thousands of people go over there in the summer, and they have magnificent homes. They have to go from the mainland either at St. Ignace or Mackinaw City over to the island. From St. Ignace the run is 3 miles and from Mackinaw City it is 6 miles. It takes approximately 36 minutes to go from Mackinaw City and approximately 13 minutes to go from St. Ignace. The St. Ignace boat is a ship that has been running up there about 40 years and has never lost a life and never had an injury. It is owned by the captain and the engineer. The first trip leaves at 9.30 in the morning, and the reason it leaves at that time is because the trains from the north and south, coming from Duluth and the great West, and from Detroit, Chicago, Toledo, and the southern points, arrive at St. Ignace at approximately 9.30, and there is no occasion for that ship to leave, going to the islands, until those trains get in. Now, the last train is in at 4 o'clock in the afternoon. There is no train after that from either direction, and therefore there is no occasion for that ship to travel, so that her entire traveling is from 9.30 in the morning—she has to load her cargo, and I think she leaves about 10—and her last trip is at 4 o'clock in the afternoon back to St. Ignace, so her entire trip during the day is not to exceed seven hours.

Prior to the passage of this law that ship for some 25, 30, or 40 years had been operating during the light season with a crew of five, and during the heavy season with a crew of seven, and by the crew I mean the captain, the wheelman, the engineer, the fireman, the deckhand, and purser. When this law went into effect that little boat, which had been the means of support and livelihood of that

captain and engineer, was obliged to put on 19 men. They could not do it. They absolutely tied up at the dock and remained there almost during one entire summer, while I was trying to get the Department of Commerce to determine that the Straits of Mackinaw came within the provisions and the perview of this law, either as a sound or as a river, under the definition of the dictionary that a river is a small body of water connecting two great bodies and a strait is a greater body of water connecting two great lakes. I never could get that decision and the ship laid at the dock. Finally, by some circuituous route, I obtained a decision from the department saying they could carry 10, and they have been carrying ten, at a very great loss. I do not know what the situation will be this summer; I do not know whether they will run.

I have illustrated what I mean by allowing smaller ships. There are a great many ships that are doing that, and yet that ship, under the provisions of this law, was obliged to carry a full freight crew, and I insist that is unfair.

Mr. BANKHEAD. How will section 2 correct that situation?

Mr. SCOTT. It allows them to do exactly as they did before, and not only that but under the provisions of the bill, as has been suggested, it unfortunately has developed into class legislation, and now this boat can not leave the dock unless it has a crew of union men. You might say, "Why can it not?" Because he can not get any stuff on his ship. The fellows on the dock will not load his boat, and if he does get it loaded when he gets over to the other dock they will not unload it. Heretofore the engineer's boy has worked on the ship. His father owned an interest, and a large part of the season was during his vacation, when he was not at school, so he worked on the boat. The captain's boy worked on the boat. Now they can not work on the boat.

Mr. PERLMAN. How old were those boys?

Mr. SCOTT. They were young kids. But these boys coming up—and they all have families, you know, and some of them very large families—it is the old Indian story, the poor man has more children than judgment, and I do not say that in a spirit of humor, but it is actually that a poor man usually has a very large family, and his family, as soon as they get old enough to help him, they help him support the balance of the family. This happens to be true in the particular case I have cited.

Now, in section 13, which is subsection 3, I change that provision there and allow them to use certificated lifeboat men in lieu of able seamen. Now, there is not on the Great Lakes, as was stated by Capt. Stimpson—and I am sure you gentlemen must have been impressed with his forcefulness—the same men who are working on those passenger ships to-day were working on the passenger ships before this law went into effect. They were exactly the same able seamen. They were not classified as able seamen in those days, but they were accepted in consequence of their ability and not in consequence of their carrying a blue card.

Mr. HARDY. At that time we had no definition of what was an able seaman.

Mr. SCOTT. As I say, there was no classification except the classification of qualification.

Mr. HARDY. And that was not a legal classification at all?

Mr. SCOTT. No; but it was the basis upon which a prudent business man selected and employed his employees to work upon the ship that he had spent thousands of dollars to build, and he did not care to risk that property in the hands of an incompetent person.

Mr. HARDY. Without any definition by law?

Mr. SCOTT. Without any definition by law. And incidentally, in that provision, as was stated here yesterday, under the present law, to comply with the requirements of the 65 per cent provision as to the deck crew, it requires passenger vessels to carry a number of men in excess of the actual requirements of the law, because of the safety appliances. It necessitates an able seaman on each lifeboat and on each liferaft. That brings up the percentage, so in one case, as was shown yesterday, this one company is employing something like 22 men—this one company is employing 22 more men than they really require.

They have absolutely no use for them, but under the provisions of this law they are obliged to carry them in order that, in the event of an accident, they may be there to sit on that life raft with the passengers or fill up one of the lifeboats.

Mr. BRIGGS. What case is that you are referring to?

Mr. SCOTT. The one that Capt. Stimpson spoke of.

Mr. BRIGGS. I thought he said he utilized those in other ways.

Mr. SCOTT. He said that he used them during last year, in answer to a very fortunate statement Judge Hardy made. In view of the fact that Judge Hardy had made a statement it was not controverted. They did not dispute it afterwards, so that they did use them.

Mr. HARDY. I do not think there ever was any dispute on that.

Mr. SCOTT. There evidently had been up to the time you made that statement.

Now, as far as my section 4 is concerned, that only carries out the provisions of the previous section and extends the season. That provision, I might say, gentlemen, was the particular provision that was reported by this committee during the last session of Congress and was unanimously passed by the House and went into the Senate. I assume you do not care to have me discuss that.

Section 5 is largely a corrective section, in order that the legislation will be uniform, and that the certificated boatmen may be utilized on the small type of ship instead of the able seamen.

In that connection, under the present law this anomalous situation is presented. We are required on the Great Lakes to carry a certain quantity of life-saving devices. We are permitted under the law, if not compelled, to carry certificated lifeboat men, men whose qualifications to operate a lifeboat must be determined in advance by an inspector under the direction and supervision of the Department of Commerce, to determine whether that certificated lifeboat man is able to handle a lifeboat in the event of a disaster. And yet, under the further provisions of the bill, we are not permitted to put that certificated lifeboat man on a life raft or on a lifeboat in charge of the boat, but must have it in charge of an able seaman or an officer of the ship. I say that is an anomalous position.

In section 5 I have attempted to correct that and allowed the utilization of the men whom Congress has seen fit to call certificated life-

boat men and whose qualifications are determined under the regulations of the Department of Commerce.

Does that cover the matter sufficiently? If there is anything you would like to ask, I would be very glad to answer it.

Mr. BRIGGS. I think so.

The CHAIRMAN. The proponents of the bill have concluded all they desire to say. Now, we will hear from the opponents of the bill.

STATEMENT OF MR. PATRICK O'BRIEN.

The CHAIRMAN. Give your name and occupation.

Mr. O'BRIEN. Patrick O'Brien, seaman and sailor.

Mr. Chairman and gentlemen, a question was asked a moment ago as to whether there was anybody here representing the people who were on the ships that might be drowned—not in those words, but that was the substance of the question. I am one of the men who expects to be at sea, and I think that my life is of a little value to myself, at least, if it is not to anybody else, and I am going to be asked, if this bill goes into effect, to accept no life-saving appliance at all with the exception of a life preserver.

It is all right to tell you, as it has been said here, that the conditions on the Lakes are exactly alike in the fall, in the spring, and in the summer, but that is not so, because the conditions are not alike. In the fall and in the spring the water is extremely cold. If you have to go overboard with a preserver on you, it would be much better if you shot yourself before you went overboard, because you would die in the same manner as the victims of the *Titanic* did when they ran into the iceberg. So much for that.

Mr. CHINDBLOM. Before you leave that, you are speaking of the spring and fall. The extension of the time here does not include the whole of the spring nor the whole of the fall. What is the extension, to be exact?

Mr. SCOTT. Fifteen days in the spring and 30 days in the fall.

Mr. CHINDBLOM. It is from May 1 to May 15 in the spring and September 15 to October 15 in the fall, is it not?

Mr. SCOTT. Before you answer that, permit me to say this: I would be glad to have the witness testify as to the whole situation, because before the bill goes in I intend to ask the committee to amend the bill by extending the time a portion into the month of November. In my bill I only asked that it be extended until the 15th of October, but I am going to ask the committee to extend it a longer time.

Mr. CHINDBLOM. How much longer?

Mr. SCOTT. Well, I will ask you to extend it to November 30, so I would be very glad to have his testimony in regard to that.

Mr. MILLS. That is practically the close of navigation?

Mr. SCOTT. No; the close of navigation up in that country is about the 15th of December.

Mr. O'BRIEN. The 5th.

Mr. SCOTT. No; it is not the 5th of December, because they give insurance until the 5th without an increase, and then from the 10th there is an increase, and then from the 10 to the 15th a larger increase, and from there on they do not allow you any insurance at all up to the month of April.

Mr. GAHN. Do you intend also, Mr. Scott, to ask for an extension of the spring opening?

Mr. SCOTT. Well, I think it ought to be made. It is now from May 1. Of course, frankly, I think it ought to be earlier than that, but, as I say, I have attempted to be——

Mr. JEFFERIS. At the present time it is from May 1 to October 15?

Mr. SCOTT. That does not get our early shipping on the Great Lakes, but I would be perfectly willing to accept the judgment of this committee on that proposition, although I would like to utilize the natural navigation season that we have up there, and, therefore, I would be glad to hear the witness's statement on the whole proposition.

Mr. JEFFERIS. The natural navigation begins on April 15?

Mr. SCOTT. Yes; on April 15 our natural navigation opens. By that I mean, you understand, that for many weeks prior to that time the Great Lakes are open, but navigation is not available because the rivers which connect the Great Lakes, and the streams incident to them, are very frequently frozen over, and they are the last avenues that open up, and therefore we can not——

Mr. MILLS. I would like to ask this, whether in the proposed bill you intend to ask for an extension of the time from September 15 to October 15?

Mr. SCOTT. Yes; I do.

Mr. CHINDBLOM. Let me ask this before we go any further. What is the insurance period, Mr. Scott, during which no excess premium is required?

Mr. SCOTT. From April 15 to December 5.

Mr. MILLS. I would like to pursue this a little further there, if I may. What is the reason for objection to the extension from September 15 to October 15?

Mr. O'BRIEN. Because of the conditions that prevail on the Lakes during this time.

Mr. MILLS. Do you contend that the conditions are materially different between September 15 and October 15?

Mr. O'BRIEN. I certainly do, sir.

Mr. JEFFERIS. In what way?

Mr. O'BRIEN. In the atmosphere, the temperature of the water, the weather itself, and, if necessary, it is very easy to point the actual conditions as to the temperature and the water.

Mr. MILLS. Have you ever had to use these appliances from September 15, or along during that time, or not?

Mr. O'BRIEN. Well, I have used boats, yes; and I have been on the lake in boats.

Mr. MILLS. I mean where you had to escape from a boat to preserve life or anything of that kind, or are the boats sufficiently strong themselves?

Mr. O'BRIEN. To give you an idea of the ground that I am talking about—Saginaw Bay. Saginaw Bay is known as the graveyard of the Lakes.

Mr. MILLS. Well, is it?

Mr. O'BRIEN. It is.

Mr. MILLS. Have there been any accidents there?

Mr. O'BRIEN. Last summer in June, when there are supposed to be no storms at all, a barge went down. There were not any passengers

on her, but they were all seamen, all sailors, not certificated lifeboat men, but sailors, able seamen. Those men were able to put their boat over and get away in the boat. It was a very difficult undertaking because of the weather—the sea.

Mr. SCOTT. What was the name of that boat, do you remember?

Mr. O'BRIEN. It was Mr. Blodgett's barge and the steamer *Bradley*, but the steamer *Bradley* managed to get into port.

Mr. SCOTT. Both of them were old boats, and one of them was a sort of tow barge, towed on behind?

Mr. O'BRIEN. The point is this, that there was a storm.

Mr. MILLS. That was in June?

Mr. O'BRIEN. In June.

Mr. MILLS. Is there anything to show that more boats have been lost in the first two weeks in October than the first two weeks in September?

Mr. O'BRIEN. I could not tell you that offhand.

Mr. MILLS. But you contend that the weather is worse in the first of the——

Mr. O'BRIEN. Of course it is. It starts to snow. We have snow in that region almost up until June. I have seen snow on the lake of Ontario in June.

Mr. GAHN. Is it not true that those boats were in a collision on Saginaw Bay in June, rather than a storm?

Mr. O'BRIEN. No, sir.

Mr. GAHN. Is it not true that an investigation of that matter is now going on?

Mr. O'BRIEN. There is an investigation going on because of the fact that they had taken the crew off.

Navigation usually opens about the 25th or 26th of April for the freight boats. I have left Buffalo on the 27th day of April and about the 3d of May was endeavoring to force my way through the ice in St. Mary's River and on to Lake Superior.

Mr. SCOTT. You left Buffalo on what date?

Mr. O'BRIEN. On the 22d day of April, and about the 2d of May was trying to force my way through the ice in Lake Superior, and through the river connecting that lake with Lake Huron, which is quite close to Saginaw Bay. The water coming from the ice in May is not very warm, and if you are going to give to the passengers—never mind the crew; they are not supposed to be considered—but the passengers, the people whom nobody is supposed to represent—we are trying to represent them; we, the men who are here representing the men who sent us here, the men who have no voice excepting the voice that we are trying to give here—if those people are going to be condemned to the fate of jumping overboard into Lake Huron in May, why is it that the excursion ships do not take advantage of the opportunity to run their ships on the 15th day of May, but wait now until Decoration Day to start?

Why do they not take advantage of the time they have to-day, if the vast bulk of the people are trying to travel on those ships? They have up to the 15th of September, but they close on Labor Day, not because the law says so. The vast majority of the excursion boats do that, and they start out running on the 31st day of May, and not on the 15th day of May. The water is too cold, and the people do

not go bathing at all until the water gets warm, and that is not until the middle of June down on Lake Erie, or the 1st of July, that the water is sufficiently warm for them to go bathing. Never mind after it has passed through Lake Huron into Lake Erie. The water is much colder on Lake Huron than it is on Lake Erie, because of the fact that you get the water from Lake Superior first, and it has an opportunity to warm up as it travels from Lake Superior to Lake Huron and Lake St. Clair, through the rivers into Lake Erie. Yet the fact remains that down at Crystal Beach, one of the biggest resorts that there is on Lake Erie, the excursion season does not open until the 31st day of May, or, rather, Decoration Day, and it closes on the 7th, or, rather, on Labor Day for one boat, and the other boat runs up until about the 15th, not for the purpose of having people go bathing, but for the purpose of accommodating the people who are living over in that resort up to that time.

Mr. GAHN. Is not that true on Lake Erie, too?

Mr. O'BRIEN. That is what I am speaking of. I am merely pointing out this to show you that if there was a possibility of going bathing at all, it would be in Lake Erie, because it is farther removed from Lake Superior, whose waters I have had experience with, and which are extremely cold, consequently it would be warmer in Lake Erie than it would be in Lake Huron, and if the passengers had to take the water with only a life preserver on them, they are going to die from exhaustion. The cold will kill them. Besides that, I want some means of getting off the ship, and the men who sent me here want it also.

I have been listening to the testimony submitted here, and from what I have heard I have discovered that we are very valuable fellows; we are absolutely necessary for the well-being of all of those people that are dependent upon the waterways; and surely those men that are here representing the vessel owners are not going to deny the right of a seaman, if the passengers do not want boat room, to some place to go when it comes to a question of quitting the ship.

It is true that I have been in accidents. I have been in a ship, not on the Lakes but on salt water—and this bill, by the way, does affect salt water; it is not confined to the Lakes—but I have been on a passenger ship, one of the largest passenger ships at that time in the world, the *Campania*, of the Cunard Line. We went through a barge and cut her in two halves.

Mr. JEFFERIS. That was on salt water?

Mr. O'BRIEN. I am going to show you the effect of a collision. The result of that collision was that there was no danger to us at all, but the effects on the men, on the people who were on board that ship as passengers—and we had 1,640 passengers on board—was terrible. We had to stand and fight the passengers back to prevent them from drowning themselves in order to get aboard the boats while we were trying to launch the boat to get the people who were on the surface of the water who had escaped from the wreck of the barge. Eleven people went down with the barge, who did not get an opportunity to come out of the fore-castle or cabin. The captain was drowned, eating his breakfast. But seven men were on deck, and those seven men we picked up, not because we had certificated life-boat men but because we had men qualified and able to handle life-

boats in any kind of weather. We launched that lifeboat in four minutes and a half, because we had sufficient men to launch that lifeboat—that single lifeboat. That was the starboard watch of the *Campania*.

The port watch, who were all asleep when the collision occurred, launched the port lifeboat in $7\frac{1}{2}$ minutes after getting out of their beds and being awakened from sleep, because they were seamen and not certificated lifeboat men, but actually qualified men, and sufficient men to handle that lifeboat. But if the collision had affected us in the same manner as it affected the barge with which we came in collision, we would not have had sufficient men to put the lifeboats over. I will prove that by the difference in the time of the sinking of the *Lusitania* and the amount of people that were drowned in her and the amount of people that were drowned in the *Baltic* and the time elapsing from the time she was struck by the torpedo and the actual sinking of the ships. The *Lusitania* was torpedoed, and about 1,100, I think, went down in her. Thirty minutes elapsed from the time of the actual torpedoing of the ship and the time that she sank, but there were that many people who went down.

Mr. MILLS. There is no question but what she carried enough equipment for all her passengers, is there?

Mr. O'BRIEN. Pardon me, I am trying to get the connection. She had the equipment for a certain number of her passengers, but I do not think for all.

Mr. MILLS. Do you not know, as a matter of fact, that ever since the *Titanic* went down the British regulations have been very strict with regard to the carrying of enough equipment for all of a ship's passengers?

Mr. O'BRIEN. I do; yes; but not sufficient men to put the ship's boats over. I am going to make the point, if you will allow me, Mr. Congressman; I am trying to make my point clear. I am going to show the difference in time and the amount of time given for the launching of the boats on the *Lusitania* and the amount of time given for the launching of the boats on the *Baltic*.

The *Baltic* was torpedoed, and sank in 20 minutes. There was one life lost on the *Baltic*, for this reason, that there were sufficient men on the *Baltic* to put over the amount of boats required to carry all of the passengers that were on board, together with the crew of the *Baltic*, which only amounted to about 400 people. But the amount of crew on board the *Lusitania* was not sufficient to launch all of the boats in the amount of time that elapsed from the torpedoing of the ship to the actual sinking of the ship, which was 10 minutes greater than the amount of time given to the crew of the *Baltic* to launch the amount of boats sufficient to carry the people.

Mr. MILLS. How do you know that?

Mr. O'BRIEN. Because I have the statement of the time given in the ships.

Mr. MILLS. The time given; but how do you know that there were not enough men to man the lifeboats on the *Lusitania*?

Mr. O'BRIEN. Because I failed in that type of ship—in the *Campania*.

Mr. MILLS. But you make the statement, as a matter of fact, that there were not enough men on the *Lusitania* to man the lifeboats of that vessel?

Mr. O'BRIEN. I did not say that, sir. I said the amount of men to launch the lifeboats, qualified able seamen. There were not enough.

Mr. MILLS. But on what do you base that statement?

Mr. O'BRIEN. On the amount of men carried by the *Lusitania*, and the amount of boats and equipment required to carry the amount of people on board the *Lusitania*.

Mr. MILLS. How many men did she carry?

Mr. O'BRIEN. The *Lusitania* carried about 60 able seamen.

Mr. MILLS. How large a crew?

Mr. O'BRIEN. Her crew was about 800.

Mr. MILLS. And you say 60 able seamen?

Mr. O'BRIEN. Yes, sir.

Mr. MILLS. How do you define able seamen?

Mr. O'BRIEN. That was the number of able seamen?

Mr. MILLS. What were the other 740?

Mr. O'BRIEN. They were mostly stewards, who have to be saved instead of saving people.

Mr. MILLS. How many were there on the *Baltic*?

Mr. O'BRIEN. On the *Baltic* the crew amounted to about 350, I think.

Mr. MILLS. Of those how many were what you call able seamen?

Mr. O'BRIEN. On the *Baltic*, possibly about 34 or 35.

Mr. MILLS. Thirty-four or 35?

Mr. O'BRIEN. Yes.

Mr. MILLS. Do you know the regulations applicable to British vessels, as to able seamen?

Mr. O'BRIEN. I do.

Mr. MILLS. What are they?

Mr. O'BRIEN. He has to have a certain amount of time at sea.

Mr. MILLS. How much?

Mr. O'BRIEN. Three years.

Mr. MILLS. Otherwise he can not serve on a vessel?

Mr. O'BRIEN. As a deckhand, yes; or as a fireman or as a coal passer, or as an oiler, or as a steward, or waiter or cook, or in any of the other capacities, outside of able seaman.

Mr. SCOTT. The American regulation is three years, is it not, Mr. O'Brien?

Mr. O'BRIEN. Yes.

Mr. MILLS. Are the American regulations as to the percentage of able seamen much in excess of the British regulations?

Mr. O'BRIEN. I do not think so.

Mr. MILLS. Well, you have told us that out of a crew of 800 on the *Lusitania* only 60 were required to be able seamen.

Mr. O'BRIEN. That is all.

Mr. MILLS. Does not the La Follette act require a much higher percentage?

Mr. O'BRIEN. Of the deck crew?

Mr. MILLS. Of the deck crew.

Mr. O'BRIEN. Yes.

Mr. MILLS. How many would an American vessel, under the terms of this act?

Mr. O'BRIEN. She would carry—well, we have not got an American vessel, I think, at present like the *Lusitania*, but we will take, for instance, the *St. Louis*.

Mr. MILLS. How many able seamen did she carry?

Mr. O'BRIEN. She would carry probably about 40, all told.

Mr. MILLS. Out of a crew of how many?

Mr. O'BRIEN. Out of a crew of about close to 500.

Mr. MILLS. And that would be enough, would it, to save all of the passengers?

Mr. O'BRIEN. No; that was the amount of deck crew for her. The other crew does not enter into the amount of able seamen.

Mr. MILLS. But you contend that the only men that are able to handle the boats are these 40 men or 60 men that you refer to; is that your contention?

Mr. O'BRIEN. I will say this, that my experience has been that the only men on board the ships—and I have sailed in all types of ships—who are qualified and have been found capable of handling ships' boats—that is, putting them over with passengers on board the boat—because you do not launch the boats with only the empty boat, you have a boat full of passengers—you have seen moving pictures, I presume, of the boats tipped up and the passengers spilled out. That is what the certificated lifeboat man will do.

Mr. MILLS. That is what you say he will do.

Mr. O'BRIEN. Well, I have had experience in that exactly along those lines.

Mr. MILLS. But the fact is that these large transoceanic vessels, out of a crew of 800, carry only 60 or 40 men?

Mr. O'BRIEN. That is true.

Mr. MILLS. Do you contend that the other members of the crew are totally incapable of lowering a lifeboat?

Mr. O'BRIEN. Yes.

Mr. MILLS. That answers my question.

Mr. O'BRIEN. Pardon me, I want to enlarge on that. Yes, I contend that the only men on board the ships qualified to lower lifeboats are able seamen who have had the necessary experience to give them that qualification, which can only be acquired by service. I have met these so-called bright men who are capable of doing everything until they are put up against it, and then they can not do it.

Mr. HARDY. Explain what you mean by the difference applicable to the danger and distress and the service of an able seaman and the service of somebody that is not an able seaman and has had no experience.

Mr. O'BRIEN. In the first place, Mr. Congressman, the seaman is on deck. That is his position. He becomes accustomed to the sea and the run of the sea. The average sailor—that is, the average able seaman—who has had that experience generally knows when a ship is going to take water—that is, when she is going to take the sea. If you are in the sea and anything occurs to that ship, it is essential that you have knowledge of the run of the sea and know when to let go your falls, when to drop the boats, to drop them upon an even keel and not spill the passengers out, and not go down head first. You must drop those two falls together. Besides that, you have quite a weight on your hands—you have a boat full of passengers—and you can not put on two or three turns, because if you serve the rope too heavy, with the amount of weight that is upon the boat itself—upon the falling rope that is holding it—if you serve it or

bring it up too fast you are liable to snap the fall and spill all the passengers into the water. If you stop the rope with a sudden jerk, it will break; so you must keep it running smoothly, and when that boat is on the point of landing you must land the two falls together and not land the forward fall first, because if there is any headway on the boat, and you were to drop the forward end of the boat first, the rush of the water between the ship and the boat would mean that the boats would turn out like this, with her broadside on, and turn over and drown the people as the boat capsized.

Mr. GAHN. Why can not a certificated lifeboat man do that?

Mr. O'BRIEN. Because we have heard of the examinations they receive. I will tell you about the examination. I have a lifeboat certificate myself. When they were talking about able seamen, the implication was given that an able seaman did not have to have a lifeboat certificate, but that every able seaman must have a lifeboat certificate as well as an able seaman's certificate or else he does not get a job in a passenger boat. So, he carries both qualifications.

Mr. SCOTT. On the *Titanic* how many able seamen did they carry? You say, 60?

Mr. O'BRIEN. About 60, yes; but that included everybody on deck.

Mr. SCOTT. That is, the forward crew?

Mr. O'BRIEN. The forward crew.

Mr. SCOTT. How many passengers did they have on during that accident?

Mr. O'BRIEN. I do not know how many passengers they had.

Mr. SCOTT. How many were saved?

Mr. O'BRIEN. I know how many were drowned. I think 1,570 were drowned.

Mr. SCOTT. How many were saved?

Mr. BANKHEAD. Are you speaking of the *Titanic* or the *Lusitania*?

Mr. SCOTT. The *Titanic* now.

Mr. O'BRIEN. I could not tell you how many were saved.

Mr. SCOTT. You do not know what percentage of the entire passenger list was saved?

Mr. O'BRIEN. I know that all the equipment she had was utilized.

Mr. MILLS. Oh, no; do you not know, as a matter of fact—

Mr. O'BRIEN. In the *Titanic*?

Mr. MILLS. Do you not know, as a matter of fact, that in the *Titanic* the boats on the port or starboard side—I forget which—were never lowered?

Mr. O'BRIEN. Are you not speaking of the *Lusitania*?

Mr. MILLS. No; I am speaking of the *Titanic*.

Mr. BANKHEAD. Why were they not lowered?

Mr. O'BRIEN. Because the boat listed to one side so much that they were unable to lower the boats on the other side.

Mr. MILLS. In the case of the *Titanic*—there is no question about that.

Mr. SCOTT. Now, take the case of the *Lusitania*. How many able seamen did the *Lusitania* carry?

Mr. O'BRIEN. The *Lusitania* carried about the same number as the *Titanic*.

Mr. SCOTT. How many passengers did they have on board?

Mr. O'BRIEN. I do not know.

MR. SCOTT. How many were saved?

MR. O'BRIEN. I do not know.

MR. SCOTT. Of course, all your reference in connection with your statement here has been to the ocean. The *Lusitania* and the *Titanic* and the other steamers you mentioned were all ocean liners?

MR. O'BRIEN. Yes, sir.

MR. SCOTT. How far out was the *Titanic* from shore when she sank?

MR. O'BRIEN. The *Titanic* was on the tail end of the banks.

MR. SCOTT. How far, about?

MR. O'BRIEN. About 600 miles from Halifax.

MR. SCOTT. How far out was the *Lusitania* when she sank?

MR. O'BRIEN. About 8 miles off of the old Kinsale Head.

MR. GAHN. Tell us about that examination for the certificated lifeboat men.

MR. O'BRIEN. Yes; I will be pleased to do that. It is a very simple examination. The certificated lifeboat men are given certificates if they are capable of pulling an oar or lowering an empty boat off the ship's deck, tie to a dock, without any passengers on. I have seen the lifeboat certificate given without any lowering of any boat at all, where the only necessary qualification required was to pull a boat, a yawl boat, in a river, where there was neither sea, wind, nor any other thing that would in any way prevent them from being able to pull her. That is true. Mr. Thorp told me that his son secured one.

MR. SCOTT. In that connection, in order that the record may be clear, the law says:

A certificated lifeboat man is any member of the crew who holds a certificate of efficiency issued under the authority of the Secretary of Commerce, who is hereby directed to provide for the issue of such certificate. In order to obtain a lifeboat man's certificate, the applicant must prove to the satisfaction of the officer designated by the Secretary of Commerce that he has been trained in all the operations connected with the launching of lifeboats and the use of oars, and that he is acquainted with the practical handling of boats themselves and that he is further capable of understanding and answering the orders relative to the lifeboat service.

MR. O'BRIEN. Then the law is not being lived up to.

MR. MILLS. How often does the able seaman lower a lifeboat filled with passengers?

MR. O'BRIEN. In times of accident, as a rule.

MR. MILLS. You have had how many years of experience on sea and the Great Lakes?

MR. O'BRIEN. I have had 15 years' experience on the Great Lakes and 12 years' experience on the ocean.

MR. MILLS. Twenty-seven years at sea?

MR. O'BRIEN. No; I can not say at sea. I have been working for the union up to last April, with the exception of 1916, when I was sailing about a month, about four or five years.

MR. MILLS. But for over 20 years you have been an able seaman?

MR. O'BRIEN. Yes, sir.

MR. MILLS. How often have you lowered a boat filled with passengers in the course of those 20 years' experience?

MR. O'BRIEN. I have never lowered a lifeboat filled with passengers, but I have lowered a lifeboat filled with men—with seamen.

MR. MILLS. With the crew?

Mr. O'BRIEN. We used to do it almost twice every trip when I was sailing on the ocean.

Mr. MILLS. Yes; as a part of your——

Mr. O'BRIEN. Drill.

Mr. MILLS. Drill?

Mr. O'BRIEN. Yes, sir.

Mr. MILLS. And the stewards and the firemen and the other members of the crew participated in that drill as well as you, did they not?

Mr. O'BRIEN. Not in the lowering of the lifeboats.

Mr. BANKHEAD. How often was the *Lusitania* torpedoed and sunk?

Mr. O'BRIEN. Just once.

Mr. BANKHEAD. How often did the *Titanic* strike an iceberg?

Mr. O'BRIEN. Just once.

Mr. BANKHEAD. That is my understanding.

Mr. MILLS. I am trying to get, for the benefit of the record, if the gentleman please, the actual experience of a so-called seaman, and I want to find out whether he has very much more experience than the certified lifeboat man. You say you have never lowered a boat with passengers in the course of 20 years' experience?

Mr. O'BRIEN. Not with passengers; I have with men, though.

Mr. MILLS. You have lowered a boat with members of the crew as a part of what is known as the lifeboat drill?

Mr. O'BRIEN. Yes, sir.

Mr. MILLS. Other members of the crew besides yourself participated in that lifeboat drill, did they not?

Mr. O'BRIEN. The only men who lowered boats on board those ships were the able seamen. No other man belonging to any part of the crew, outside of the deck department, the able seamen, ever lowered the boats on board those ships.

Mr. MILLS. On board what ships?

Mr. O'BRIEN. On board all the ships I am speaking about.

Mr. MILLS. What ships?

Mr. O'BRIEN. All ocean-going ships.

Mr. MILLS. I want to get your personal experience.

Mr. O'BRIEN. On board the lake ships the able seamen lower the boats.

Mr. MILLS. But I want to get your personal experience. Take a boat like the *Campania*, for instance, that you were on. How many boats did she carry?

Mr. O'BRIEN. She carried 22 boats.

Mr. MILLS. And how many life rafts?

Mr. O'BRIEN. She carried no life rafts.

Mr. MILLS. No life rafts? How many able seamen did she have?

Mr. O'BRIEN. Forty able seamen.

Mr. MILLS. Two to a lifeboat?

Mr. O'BRIEN. Less than two.

Mr. MILLS. Does it take two men only to lower a lifeboat full of people?

Mr. O'BRIEN. No, sir. That is the reason, I said, the *Baltic* saved the people.

Mr. MILLS. When you were on the *Campania* did it take more than two men to lower the lifeboats filled with people?

Mr. O'BRIEN. Did it take more than two?

Mr. MILLS. Did it take more than two men to lower a lifeboat filled with people?

Mr. O'BRIEN. Yes.

Mr. MILLS. But if there were only 40 seamen and there were 22 lifeboats there were other men besides the seamen authorized to lower the lifeboats, were there not?

Mr. O'BRIEN. No.

Mr. MILLS. No?

Mr. O'BRIEN. I am going to explain that, if you will allow me.

Mr. MILLS. I wish you would.

Mr. O'BRIEN. For the simple reason that they did not lower or could not lower all of the lifeboats together, because they did not have sufficient able seamen to go around and lower all of them. That is the reason. The number of able seamen on board precluded the possibility of lowering all of the lifeboats at once.

Mr. MILLS. They have a lifeboat drill on these boats, do they not? I have seen it many times.

Mr. O'BRIEN. And they have to lower and hoist the boats; yes.

Mr. MILLS. And each member of the crew is assigned to a particular lifeboat?

Mr. O'BRIEN. Yes, sir.

Mr. MILLS. And, on the basis of the number of able seamen, there would be two able seamen to each lifeboat?

Mr. O'BRIEN. There were four then.

Mr. MILLS. But according to your figures there were two.

Mr. O'BRIEN. In the lifeboat drill there were four.

Mr. MILLS. But I am asking you, when they assign two to each boat, each man, when the whistle blows, goes to his boat, does he not?

Mr. SCOTT. He stays with his boat.

Mr. O'BRIEN. No, sir; not on those boats. I am speaking of the drills we were in, and I am trying to explain as clearly as I can how the drills took place. In the first place, there was not at any time sufficient time to handle all of the lifeboats.

Mr. MILLS. In other words, there were not enough able seamen?

Mr. O'BRIEN. No, sir.

Mr. MILLS. But there were other men to help them?

Mr. O'BRIEN. There were other men to help them hoist the boats.

Mr. MILLS. And other men to help lower them?

Mr. O'BRIEN. No, sir; the men who lowered the boats were able seamen.

Mr. MILLS. Do you mean to have this committee understand that you never saw anyone but an able seaman, while you were on the *Campania*, help lower a boat in a lifeboat drill?

Mr. O'BRIEN. I have never seen anybody, since I have been at sea, not only on the *Campania* but on the Lakes—anybody outside of an officer or an able seaman lower any boat on board of a ship.

Mr. GAHN. You say the entire crew are not required to participate in the drill in the actual lowering of the lifeboats on the Great Lakes?

Mr. O'BRIEN. I did not say that. I said I never saw anybody but an able seaman or an officer.

Mr. MILLS. What do you call lowering a boat?

Mr. O'BRIEN. Handling the fall.

Mr. MILLS. Do two men handle it?

Mr. O'BRIEN. Yes; as a rule, two men handle it.

Mr. MILLS. The two able seamen handle it and the other men stand around?

Mr. O'BRIEN. The other men stand around?

Mr. MILLS. Yes; the other members of the crew assigned to that particular boat.

Mr. O'BRIEN. If you had a man that was not able to handle a line alongside of you, he would be in the road; instead of being a help he would be a hindrance.

Mr. MILLS. I want to get your idea of what happens when they get this lifeboat drill, because that is all you have ever had, and you tell me that when they have the lifeboat drill the two able seamen handle the falls, and the rest of the men assigned to a boat stand around and watch them.

Mr. O'BRIEN. That is just what happens.

Mr. MILLS. That is not what I have seen.

Mr. O'BRIEN. In the first place, when you are lowering the boat there is nothing else for the men to do but to stand around. When you are actually lowering that boat, the men on the deck outside of the men handling the falls can not do anything else but stand by and look on.

Mr. MILLS. You know that two men can not lower a boat filled with people, do you not?

Mr. O'BRIEN. I know they do.

Mr. MILLS. Two men?

Mr. O'BRIEN. Two men; yes.

Mr. MILLS. Alone?

Mr. O'BRIEN. Certainly. I told you that in the *Campania*, where we were talking about the passengers and the men being lowered in boats, there were not sufficient men to go around and lower all of the boats at once; that the able seamen had to be called to lower the boats and help to lower the boats, and that the other men were not qualified and did not possess sufficient knowledge or skill to be of any assistance in lowering the boats.

Mr. MILLS. Let me ask you one more question and then I will be through. I apologize to the committee for having taken up so much time. How often did you have these lifeboat drills?

Mr. O'BRIEN. We had a lifeboat drill in New York and a lifeboat drill in Liverpool every trip.

Mr. MILLS. If the other members of the crew were allowed to participate in these lifeboat drills, how long would it take them to become efficient in lowering the boats?

Mr. O'BRIEN. As a rule this is what happens: As soon as the men discover that there are other men that are supposed to bear the responsibility if anything goes wrong with the boat, they are quite willing to shirk any responsibility, and consequently do not try to acquire that knowledge for this reason, that they are not called upon to have the knowledge in their service.

Mr. MILLS. If they were made to acquire it?

Mr. O'BRIEN. I do not know how you can make people acquire knowledge. I am not quite sure you can do that. In fact, the acquiring of skill in the lowering of a lifeboat does not raise the status of the cook in his estimation. He does not receive any more pay for it,

neither does the fireman receive any more wages, and it does not raise him in his estimation. The able seaman must have that knowledge.

Mr. SCOTT. How heavy are these lifeboats; how much do they weigh?

Mr. O'BRIEN. Which lifeboats do you mean?

Mr. SCOTT. I am talking about the lifeboats that you operated on the *Campania*.

Mr. O'BRIEN. They weighed approximately 2 tons.

Mr. SCOTT. About 2 tons?

Mr. O'BRIEN. Yes.

Mr. SCOTT. They are on deck?

Mr. O'BRIEN. Yes.

Mr. SCOTT. In a berth?

Mr. O'BRIEN. Yes.

Mr. SCOTT. Laying in a——

Mr. O'BRIEN. Chock.

Mr. SCOTT. In a chock, and they are usually hung on davits?

Mr. O'BRIEN. Yes.

Mr. SCOTT. And they are single pulleys, are they not?

Mr. O'BRIEN. Oh, no.

Mr. SCOTT. Double pulleys?

Mr. O'BRIEN. Threefold purchases. That means three shifts to each block.

Mr. SCOTT. I understand that in answer to the question of Mr. Mills you said that two able seamen, one at each end of the boat, or one at each davit, raised the boat out of her berth—and who swings the davit?

Mr. O'BRIEN. I did not say anything of the sort.

Mr. SCOTT. Then, I misunderstood you.

Mr. O'BRIEN. I said that because of the lack of able seamen on board all of the boats could not be handled and lowered simultaneously.

Mr. SCOTT. Then, your statement would be this, that——

Mr. O'BRIEN. The other able seamen had to be called to help to pick up the lifeboats.

Mr. SCOTT. Then, it is not actually true that two able seamen can go up to a lifeboat weighing 2 tons, pull her off her berth, swing her out clean of the davits, and lower her?

Mr. O'BRIEN. I did not say that; I never said that.

Mr. DAVIS. What you meant was that there were only two able seamen for each of the lifeboats, and for that reason they had to help each other in lowering the boats, and, of course, could not lower them all at once.

Mr. O'BRIEN. That is what I said.

Mr. DAVIS. Now, I want to ask you if, aside from any technical knowledge, instructions, etc., it is not a very important feature, in case of an accident, for the seaman to be cool and free from excitement?

Mr. O'BRIEN. He must be. If he is not, he is just in the same position as the passenger.

Mr. DAVIS. And is it not a further fact that a seaman who has had to have at least three years' experience before he received a certifi-

cate and who was then continually engaged on deck in manning the boats in all kinds of weather and under all conditions, is not more likely to know more about the situation in case of an accident than a man called from the steward's department who had no actual experience in that respect?

Mr. O'BRIEN. That is certainly true.

Mr. SCOTT. How many passenger ships on the Great Lakes did you work on?

Mr. O'BRIEN. The *Tienesta*.

Mr. GAHN. As a matter of fact, on the Great Lakes do they not require most of the crew, and especially the stewards, to help lower the boats?

Mr. O'BRIEN. They require them mostly to help pull them up.

Mr. GAHN. They participate in the drills, do they not?

Mr. O'BRIEN. Yes, sir.

Mr. GAHN. Do they not in an actual catastrophe?

Mr. O'BRIEN. Not in lowering the boats; in pulling up a boat. Anybody can pull a boat up.

Mr. GAHN. They all participate actually, more than just the able seamen?

Mr. O'BRIEN. They participate, in so far as we have to push the boat out, but when it comes to lowering the boat that is where the danger lies, in lowering the boat. The actual taking her out of the chocks and putting her over the rail does not mean so much. Of course, the able seaman must supervise his boat, because he is in charge of that boat, and he must see that his guides from the davit heads are made fast, or the boat will swing one way or the other as it is lowered.

Mr. GAHN. On the Great Lakes is it not true that other men besides able seamen help lower the boats, actually assist in lowering the boats?

Mr. O'BRIEN. No, sir; except the officers. They have to do it, because there are not sufficient men to lower the boats; not sufficient able seamen.

Mr. GAHN. You never saw a boat lowered on the Great Lakes, did you, to save life?

Mr. O'BRIEN. To save life, no; I have never seen a boat lowered to save life.

Mr. SCOTT. When did you leave the Great Lakes?

Mr. O'BRIEN. When did I leave the Great Lakes?

Mr. SCOTT. Yes; when did you sail last?

Mr. O'BRIEN. 1916.

Mr. SCOTT. Were you on there until after the provisions of this act went into effect?

Mr. O'BRIEN. Yes; 1916.

Mr. SCOTT. What were you on?

Mr. O'BRIEN. On the *Tienesta*.

Mr. SCOTT. On the passenger ship, the *Tienesta*?

Mr. O'BRIEN. Yes, sir.

Mr. SCOTT. She is the ship Mr. Davis testified about. She runs the long season? She runs the long haul from Buffalo to Duluth?

Mr. O'BRIEN. Yes, sir.

Mr. GAHN. You said you never saw a lifeboat lowered to save life on the Great Lakes?

Mr. O'BRIEN. Not to save lives; no.

Mr. GAHN. Passengers or——

Mr. O'BRIEN. To save passengers; no.

Mr. GAHN. Did you ever hear of any boat being lowered on the Great Lakes to save passengers' lives? Did you ever know of any case?

Mr. O'BRIEN. Well, I have never been on any boat that did it I just told you that.

Mr. GAHN. Did you ever hear of any case?

Mr. O'BRIEN. Yes; I have heard that they have lowered the boats to save passengers.

Mr. GAHN. What boats?

Mr. O'BRIEN. Some of the D. & C. boats.

Mr. GAHN. When was that?

Mr. O'BRIEN. I have read about where a man jumped overboard and they lowered the boat and tried to pick him up.

Mr. GAHN. I am talking about saving passengers.

Mr. O'BRIEN. Well, he was a passenger.

Mr. GAHN. When the boat was going down.

Mr. O'BRIEN. I was under the impression that you asked me if any boats had been launched to save life.

Mr. GAHN. That was when a man tried to commit suicide?

Mr. O'BRIEN. Yes.

Mr. GAHN. But never on account of a storm or a vessel in distress?

Mr. O'BRIEN. Yes; last June the men had to save their lives in the wreck of that barge.

Mr. GAHN. That was the crew?

Mr. O'BRIEN. Yes.

Mr. GAHN. Not the passengers?

Mr. O'BRIEN. No; there were not any passengers.

Mr. SCOTT. They were carrying a 100 per cent life-saving equipment?

Mr. O'BRIEN. But in the wreck of the *Cowbray*, in 1909, they picked up nine of the crew frozen to death in the boat on Lake Erie in December, 1909.

Mr. SCOTT. There were no passengers dead.

Mr. O'BRIEN. Well, they would have been dead.

Mr. SCOTT. There was plenty of life-saving equipment on those boats?

Mr. O'BRIEN. Yes; but it was very cold, and they were frozen to death.

Mr. SCOTT. What time in December was that?

Mr. O'BRIEN. About the 9th of December, I think it was, for this reason, that on that same night there were 55 men drowned on Lake Erie. The *Richardson* went down outside of Buffalo, and there were six drowned on her.

Mr. SCOTT. A freight boat?

Mr. O'BRIEN. Yes.

Mr. SCOTT. And they carry 100 per cent life-saving appliances?

Mr. O'BRIEN. The *Clerion* went down—was burnt up off of the southeast shoal.

Mr. SCOTT. What was she, a freight boat?

Mr. O'BRIEN. She was a freight boat; yes; and the whole of the forward crew went down and were lost.

Mr. GAHN. This other boat had 100 per cent life-saving equipment?

Mr. O'BRIEN. Yes; but the weather was not so very fine, as we have had to describe.

Mr. GAHN. Mr. Mills, let me ask you a question. In your experience in seeing these lifeboat drills, did you ever see anybody other than the officers and able seamen lower the boats?

Mr. MILLS. Yes; most decidedly.

Mr. GAHN. That is what I want to know. Whom have you seen other than the able seamen?

Mr. MILLS. I am not able to distinguish them.

Mr. GAHN. I mean they were not the able seamen and the officers alone who were engaged in actually lowering the boats? That is what I want to know.

Mr. MILLS. In the actual lowering of the boats there were certain men assigned to each boat, and when that boat was lowered the members of the crew assigned to that boat participated in the lowering of the boats and the able seamen did not run from boat to boat.

Mr. SCOTT. In the original record in this case, when the bill was under consideration—and that was before most of us were Members of Congress; if Judge Hardy was here he could undoubtedly remember it—I do not think Mr. O'Brien was here—but he showed in the original testimony the contests between the steward's department and the certificated lifeboat men and the able seamen, the contests that were held between those three departments on a ship, in the lowering of the lifeboats, and in the majority of instances the steward's department won the prize. That is in the original record that was here at the time the La Follette was up for consideration.

Mr. O'BRIEN. Was it a boatman who testified to that?

Mr. SCOTT. No; it was a matter admitted, the contests on the ships.

Mr. PERLMAN. Mr. O'Brien, if the law were carried out to the letter with regard to the qualifications of certificated lifeboat men, how would they be inferior to able seamen in the lowering of boats?

Mr. O'BRIEN. Because you only acquire the skill through experience—through service. That is the only way you can acquire it. You can not get it out of books.

Mr. PERLMAN. I understand that.

Mr. O'BRIEN. Consequently, you must serve a certain number of years on board ship to get that experience.

Mr. PERLMAN. Do not certificated lifeboat men also serve a number of years on a boat?

Mr. O'BRIEN. Not to my knowledge. All that is required of a certificated lifeboat man is to go down and pass an examination with regard to his qualifications.

Mr. PERLMAN. As a part of the qualifications, do they not have to have a certain number of years' experience?

Mr. O'BRIEN. No, sir.

Mr. CHINDBLOM. Would a wheelman who had never handled a lifeboat, but had been a wheelman for 3, 5, or 10 years, be materially better equipped for lowering a lifeboat than any other man on board, than an intelligent steward or an intelligent cook, or anybody else who had actually been on board ship during the same length of time?

Mr. O'BRIEN. I have never met a wheelman who had not handled a boat.

Mr. CHINDBLOM. I did not say that. I am asking you what would be the situation if you had such a condition. Of course, I know that a wheelman handles boats.

Mr. O'BRIEN. That is purely hypothetical.

Mr. CHINDBLOM. Of course, it is, but I want to know how their spending three years aboard ship makes a man competent to handle a lifeboat. I want to know whether he becomes competent to handle a lifeboat if he had not actually handled it.

Mr. O'BRIEN. But he does handle it; he gets certain drills.

Mr. CHINDBLOM. So, then, the steward and the cook, if they get the drills, get the same experience?

Mr. O'BRIEN. In order to acquire the skill to become a wheelman you must go through the grades of ordinary seaman and watchman, and in that time you acquire the skill necessary to be able to handle a lifeboat. In the first place, I would not get into any lifeboat that a cook or steward or anybody else was going to lower, outside of an able seaman, and I do not think anybody else aboard ship would do it either.

Mr. SCOTT. Do you insist that only able seamen are permitted to handle lifeboats?

Mr. O'BRIEN. To lower the lifeboats.

Mr. SCOTT. Then I ask you this: After the present able seamen are dead, no one else having been permitted to lower the lifeboats, where are you going to get the men to make able seamen from now on?

Mr. O'BRIEN. Through the knowledge acquired——

Mr. SCOTT. By looking on?

Mr. O'BRIEN. Through the knowledge acquired by actual participation in lowering the yawl boats without anybody in them.

Mr. HARDY. Is it not a fact that the man who is on deck acquires a poise and a manner that a fellow who is in the steward's room does not have on deck?

Mr. O'BRIEN. Of course he does, Mr. Congressman, for this reason, that it is a part of his life. He takes it as just an ordinary thing.

Mr. HARDY. Now, if he is navigating a ship on deck in stormy weather, even if there is no accident, his legs are better accustomed to handling the situation?

Mr. O'BRIEN. Yes, sir.

Mr. HARDY. Is it true that a man in the steward's room is as good a seaman as a man on deck?

Mr. O'BRIEN. Of course not; he has not got the sea legs, in the first place.

Mr. HARDY. The able seamen requirements of the La Follette Act, so-called, applies only to the deckman?

Mr. O'BRIEN. That is all, sir.

Mr. HARDY. It does not apply to the others?

Mr. O'BRIEN. No.

Mr. CHINDBLOM. Mr. Chairman, all that may be true, and I do not want to be misunderstood, but my point is that a man does not acquire experience in handling lifeboats unless he actually handles lifeboats. That is the point. And other men besides able seamen, it seems to me, can be trained to handle lifeboats.

Mr. O'BRIEN. That is perfectly true, provided they get the opportunity to do that; but my contention is that the men who get the lifeboat certificates do not get that opportunity and consequently have not got that skill.

Mr. MILLS. What would you say if we provided by law that other members of the crew should get lifeboat experience, and that after six months, after a certain number of lifeboat drills actually at sea or at port, that they should be listed as able seamen? What do you say to that?

Mr. O'BRIEN. I think 12 months is all that is required for an able seaman on the Great Lakes. If a man has——

Mr. SCOTT. Eighteen months.

Mr. O'BRIEN. Twelve months; and if a man is capable of passing an examination after 12 months' service on the Great Lakes, he qualifies not only as a certificated lifeboat man, but he can also get an able seaman's certificate.

Mr. BANKHEAD. I want to make this statement: I do not care whether we can confirm it or not. I went on a trip to Panama recently on a Government-owned vessel, and we had several fire drills, and I happened to be in the smoking room at the time these men were called to the boats. I went out to look at the operation, and I want to say that they sent a lot of waiters and amateur stewards and ignorant-looking Negroes up there to man those lifeboats at that drill. Was not that your observation?

Mr. CHINDBLOM. The whole crew was up there for the drill.

Mr. BANKHEAD. But what sort of crew was it that went in the boats?

Mr. SCOTT. Let me make this suggestion, Mr. Bankhead: The waiter who waited on my party was a man named Dallah. He had spent four years in the United States Navy, and was an able seaman, and he chose to go into the steward's department because he could make more money in there waiting on the table, with his tips, than he could otherwise.

Mr. BANKHEAD. Did you see those men who manned the boats when they had that fire drill?

Mr. SCOTT. Yes.

Mr. BANKHEAD. Do you think that they are the type of men we could safely rely on to get those boats over in actual danger?

Mr. SCOTT. I do not know about that, because we were not put in an emergency, but let me call your attention to this fact, that in the steward's department of this particular ship, with which you are familiar, in view of the fact that we took the same trip, this man Dallah told me that there were four other men in there that he knew that were in the Navy at the same time he was, when he had all this training. I do not know how many in the steward's department were qualified able seamen, but those were there in the steward's department in consequence of the increased wages they were able to get. I do not know how prevalent that is on the ocean.

(Whereupon a recess was taken until 2 o'clock p. m.)

AFTER RECESS.

The committee reassembled pursuant to the taking of the recess, Hon. William S. Greene (chairman) presiding.

The CHAIRMAN. You may proceed, Mr. O'Brien.

Mr. BANKHEAD. Mr. Chairman, will you permit me to make a suggestion to this witness?

The CHAIRMAN. Very well.

Mr. BANKHEAD. I think it would be for the benefit of the whole committee if the witness would take the proposed amendments up in order and tell us exactly why he opposes the proposed changes in the pending bill to the law as it now stands.

The CHAIRMAN. I would like to have him do that, myself.

STATEMENT OF MR. PATRICK O'BRIEN—Resumed.

Mr. O'BRIEN. Mr. Chairman, before I take this thing up as suggested, I would like, in order that the Congressmen may not be under a false impression as to the meaning of the lowering of boats—I stated that able seamen were required to lower boats; that only able seamen in any ship I was ever in were used for lowering boats, outside of the licensed officers in the deck department. The lowering of the boats actually consists of handling the fall; that is, the rope that is passed to the stem and stern of the boat for the purpose of landing her from the deck to the water.

I want to get that clear so that there will be no question in the minds of anyone as to what I mean about lowering boats. That is the most difficult task in the launching of the lifeboats—in the lowering—because then you have upon your hands the lives of the people who are in the boats. Any slip you may make will result in injury to the people in the boat, if not death. Through the dropping of the forward end or after end of the boats it will mean that the people, if not actually killed in the boats, will be drowned or injured to such an extent they would die from the effects, or, not being able to be picked up immediately, they would drown anyhow. The boat would topple down on one end and the whole of the people in that boat would slide from the high end down to the lower one and there be in a mass that would mean they would be pitched right out of the boat, with the possible exception of the people from the upper end. They might possibly remain in the boat, but the possibility is they would be so badly injured that the most of them would be dead. I want to make that clear.

Mr. DAVIS. In that connection, how are rafts lowered?

Mr. O'BRIEN. Rafts are lowered in the same manner. You must lower your rafts with your davits; you put your falls onto the davits and lower them, unless the ship is allowed to sink and the people go off on the raft.

Mr. EDMONDS. A raft can be thrown overboard if you want to, can it not?

Mr. O'BRIEN. I never have seen any rafts thrown overboard; every raft I have ever seen launched has been launched in the way I have described.

Mr. EDMONDS. You can tie a rope to the raft and throw it overboard and let the people climb down on it. You can just throw it overboard and any side that comes up is all right, is it not, and you do not need able seamen for that?

Mr. O'BRIEN. Oh, I don't know; you may throw the raft overboard and it will break into halves.

Mr. EDMONDS. An able seaman can throw it overboard, too, and it will break into halves the same as if it is thrown overboard by anybody else.

Mr. O'BRIEN. I am not questioning that.

Mr. EDMONDS. Where does this able seaman get educated in this highly technical profession of lowering boats?

Mr. O'BRIEN. In the handling of the tackles, as ordinary seamen and boys coming along in the natural course of the work that is aboard the ships. They will get knowledge of the amount of weight on the rope by actually handling this weight on the rope. A practical seaman, a good able seaman, an able seaman with the amount of experience that is essential to make an able seaman, can tell by the feel of the rope as he is surging it whether that rope can stand any more weight or not. If he is not capable of doing that, he is not an able seaman; in fact he should not have an able seaman's certificate. You acquire that knowledge through the actual handling of the ropes.

Now, you take boats on that rope and in checking that rope you check in such a manner as to retain the full weight of the boat upon the line, surging it so that there won't be jerk; because if you allow too much slack and then suddenly bring it up sharp it would mean that the line on the boat would snap.

Mr. EDMONDS. Would not a man of any ordinary intelligence, in lowering the boat, know how to handle it?

Mr. O'BRIEN. I can only answer from what I have seen, and in my experience men who have not had the experience in handling lines have not been able to handle them.

Mr. EDMONDS. I have seen many a boat lowered and I have seen many boats go down, and it does not strike me it would take more than 48 hours for me to know how to lower a boat.

Mr. O'BRIEN. I am not questioning your ability to do it.

Mr. EDMONDS. I have felt that way about it; I may be mistaken and you may be able to convince me I am mistaken, but I have felt that way about it.

Mr. O'BRIEN. I am only giving you my experience.

Mr. HARDY. Do you think, Mr. Edmonds, that any man of average intelligence would feel at home on board a vessel who had been there for only 48 hours, as much as one who had been on board vessels for five or six years?

Mr. EDMONDS. I have never felt well on board a boat myself, and I have been on them a number of times.

Mr. O'BRIEN. Of course, I do not want to contradict Congressman Edmonds, and I do not know what experience he has had; but I do know this, that green men coming on board ships are not able to do the work of able seamen, or are not able to do the work of ordinary seamen who have been on the boat for any length of time.

Mr. EDMONDS. I agree with you there.

Mr. O'BRIEN. That is the point I am making.

Mr. EDMONDS. But I do not think this boat question is a serious one.

Mr. O'BRIEN. If your life depended upon it, I think you would.

Mr. GAHN. Are all able seamen qualified to lower boats?

Mr. O'BRIEN. They should be if they are not.

Mr. GAHN. Did you say this morning that all able seamen had to have lifeboat certificates?

Mr. O'BRIEN. I said able seamen are required by the vessel owners to carry lifeboat certificates and they are asked that question, despite the fact the law does not state that. I do know that that has been required by the vessel owners and the masters on board of the ships have asked that question, if they have lifeboat certificates. And I believe the officers on the ships are carrying lifeboat certificates as well.

Mr. GAHN. Is that true on the Great Lakes?

Mr. O'BRIEN. Yes, sir; we are speaking of the Great Lakes now.

Mr. GAHN. But you do not mean to say the law requires it?

Mr. O'BRIEN. I do not say that; no, sir. It does not require it, but they have construed it that way.

Mr. GAHN. You say every vessel requires its crew of able-bodied seamen to have lifeboat certificates?

Mr. O'BRIEN. I do; yes, sir; and every able-bodied seaman carries a lifeboat certificate. I have had to do it; when I shipped on the *Tionesta* I had to go to the life-saving station and get a lifeboat certificate.

Mr. GAHN. And every able-bodied seaman on the Great Lakes has a lifeboat certificate?

Mr. O'BRIEN. I would not say every able-bodied seaman on the Great Lakes has a lifeboat certificate, but I am telling you what I know of the requirements of the passenger-boat owners from the men who are taken on board of their boats from our organization.

Mr. GAHN. On the Lakes?

Mr. O'BRIEN. On the Lakes.

Mr. GAHN. And all of your men have lifeboat certificates?

Mr. O'BRIEN. Yes, sir.

Mr. SCOTT. Is that the usual method you suggest of getting your certificate; the procedure you followed is the usual method of getting a certificate?

Mr. O'BRIEN. That was it in Buffalo.

Mr. SCOTT. Don't you think, Mr. O'Brien, that the life-saving service on the Great Lakes is fairly competent to pass judgment on a man's ability to operate the life-saving devices?

Mr. O'BRIEN. I would not want to claim that the life-saving people were not competent to examine; but I do claim that the things they have for giving the examination are not there. In the first place, they have not got the lifeboats to lower. The examination that I saw—because two other men were examined at the time I was examined—they went into a boat and they tried to pull—a yawl, too, if you please—about in the river. Now that was in Buffalo in the year 1916. I had received my able seaman's certificate in 1915, but I did not sail until 1916, because I was employed by the organization. In 1916, when I went to sail, I discovered the able seamen's certificate was not sufficient to give me a berth on board of those ships and I had to go and pass an examination as a certificated lifeboat man. And I had to laugh, and the captain of the lifeboat crew laughed with me, at the examination.

Mr. HARDY. What was it; tell us what it was?

Mr. O'BRIEN. My examination consisted—he asked me several questions and asked me how to lower a lifeboat—how I would lower

a lifeboat. I told him, because I had had a lot of experience in lifeboats. I told him, and I didn't even have to step in a boat; I never had to pull an oar on the boat. I answered the questions and the captain of the lifeboat men, who was a qualified man, knew I was capable of doing the work for which I had come down to get a certificate, simply because I actually knew these things. And on board of those ships I served, I had acquired a great deal more skill than ever you will find on the Lakes.

Mr. GAHN. Why is that; because you never use lifeboats on the Lakes?

Mr. O'BRIEN. No, sir; it is not because of that, but because of the fact I had to go through the training as a boy, up to the rank of able seaman, that I have acquired the knowledge or skill of an able seaman.

Mr. HARDY. What was the examination they put anybody through in order to demonstrate his fitness; that is what I want to know.

Mr. O'BRIEN. If he was capable of pulling this boat; that is, pulling an oar, what we call pulling an oar—rowing a boat.

Mr. SCOTT. Did you hear the other examinations given?

Mr. O'BRIEN. Yes; I was there.

Mr. SCOTT. You heard the questions that the captain of the life-saving crew asked the other men?

Mr. O'BRIEN. Those two men who were there could not even do that.

Mr. SCOTT. Could not do what?

Mr. O'BRIEN. Could not row a boat. They were turned down right there.

Mr. SCOTT. Who turned them down?

Mr. O'BRIEN. The captain, and he said to me right there, "There are hundreds of fellows coming here in the same way, who do not know how, and the requirements are not here, anyhow. We have not the facilities for giving an examination." I would like to go aboard a passenger boat and be given the privilege of examining a crew with the amount of weight that the lifeboat would be called upon to carry, and to put the certificated lifeboat men at the falls lowering them; not only on the lake when it is blowing, but even at the dock when it is calm. And you know the real sailors do joke about some of the drills that are pulled off on the Lakes. Now, I wanted to make that clear.

Mr. GAHN. Why do they joke; because they think there is never any occasion to put those drills into practice?

Mr. O'BRIEN. No.

Mr. GAHN. Then, why do they joke about them?

Mr. O'BRIEN. At the lack of attention given to the apparent value of the seamen's lives.

Mr. EDMONDS. Some of them are a joke.

Mr. O'BRIEN. Well, probably they are, or they would not be there; they would probably go away from that service altogether. Probably they are.

Mr. EDMONDS. I mean some of the drills up on the Lakes.

Mr. O'BRIEN. That is what I say; they are a joke—some of the drills. And if the drill was carried out, we would have an opportunity to see the skill of the certificated lifeboat men.

Now, I was on the *Tionesta*, and I have been on the *Americana*. There was a chance when I was sailing on her and I had charge of a boat, and every week—not every season, but every week—I had to try to teach the fellows who were in that boat how to take the cover off; not alone how to lower the boat. No man aboard that ship would be man enough to drill that in on the crew, outside of the able seamen, outside of the deck officers, who were qualified to lower the boat down. And that was without anybody being in the boat. I am not testifying here in order that you will wipe out certain things in the bill, because these things are actual facts, gentlemen.

Mr. SCOTT. Is that the *Tionesta* you are talking about?

Mr. O'BRIEN. That is the *Americana* that carries 3,500 passengers across to Canada.

Mr. SCOTT. Now you are talking about ocean-going boats?

Mr. O'BRIEN. No, sir; I am speaking about the Lakes—the boat that runs between Buffalo and Crystal Beach, Canada. And I am sure the same condition prevails in practically all of them. Another thing: When it comes to lifeboat drills or, say, fire drills, the word is passed along that at a certain time the lifeboat drill is going to take place, or fire drill. Now, you do not drown persons per schedule; these things do not happen at certain hours. The crew is ready, the whistle is blown, and every man runs to a station and has his place. And even then there is considerable excitement in trying to get the fellow not in the deck department acquainted with the place he has to stand. Those things are actual facts.

Mr. EDMONDS. Do not the United States inspectors ever require a boat drill or a fire drill?

Mr. O'BRIEN. The United States inspectors come down supposedly without having given the crew knowledge the drill is to take place; but I was never on board a ship where I did not know it for a couple of hours in advance when the drill was going to take place.

Mr. EDMONDS. Even with the United States inspectors coming down?

Mr. O'BRIEN. Even with the United States inspectors coming down.

Mr. SCOTT. You do not know that there are not frequent drills on the Lakes that are held when the United States inspectors come down without any notice of it at all?

Mr. O'BRIEN. I have never seen any, and I was on the *Tionesta*, and we had those drills, and the time was known in advance when those drills would take place. Now, as I said, we do not drown people per schedule; we are liable to have an accident at any time. We had an accident up in Lake Superior when there was a collision and when nobody was saved—everybody went down.

Mr. SCOTT. That was a freight boat?

Mr. O'BRIEN. The freight boat is weaker than the passenger boat, too—not as strong.

Mr. SCOTT. And they carry 100 per cent life-saving equipment, too.

Mr. O'BRIEN. I am not denying that; I am pointing out that a ship can be sunk without having a gale of wind and all hands be drowned.

Mr. SCOTT. Yes; that is true.

Mr. O'BRIEN. And in reference to the raft that came ashore from the steamer *Cypress*, in October, 1907, on Lake Superior, that ship was making her first or second trip—her fifth trip, I believe.

Mr. BRIGGS. How large a ship was she?

Mr. O'BRIEN. About 400 feet long.

Mr. BRIGGS. A passenger vessel?

Mr. O'BRIEN. No, sir; a freight vessel. And nobody knows—at least I do not, only from hearsay—how the ship happened to go down. She filled up with water, a steamship, and sunk so rapidly in fact, that the only thing that they got was a raft. Eight men got on that raft, according to the reports at that time, and out of the eight men—and they were all seamen—one man reached the shore alive. And he was a great big, powerful man—I knew him personally, Charlie Pitts—who was second mate on the ship. One man out of the eight that got on that lifeboat managed to reach shore alive, and that was in October.

Mr. SCOTT. That was on Lake Superior?

Mr. O'BRIEN. That was on Lake Superior, in October. The raft was capsized, was turned over, and as she turned over, one by one as the men were dumped into the water they dropped off and died; their vitality was not sufficiently strong to enable them to hang on.

Mr. SCOTT. Did any of the lifeboats get to shore?

Mr. O'BRIEN. The vessel sunk.

Mr. SCOTT. I know, but did they get any lifeboats off? You require 25 per cent lifeboats.

Mr. O'BRIEN. No; there was not any lifeboat got to shore; there was not any lifeboat launched.

Mr. SCOTT. So that the lifeboat is the same as the raft?

Mr. O'BRIEN. So that we are not in a position to state—I am not in a position to state—as to whether the lifeboats would have got to shore or not. I know I would prefer the *Tionesta*, even in the middle of the summer, on Lake Superior, because I have been overboard there and the shock is not at all nice. It is icy cold water on Lake Superior, and this bill does not confine itself to Lake Michigan. It takes in Lake Superior.

Mr. SCOTT. Oh, there are no short runs on Lake Superior. You know that, because you have sailed up there.

Mr. O'BRIEN. Oh, yes; there are short runs.

Mr. SCOTT. You name them.

Mr. O'BRIEN. You can make short runs; you can run from Superior to Duluth, Ashland to Duluth, or you can make the run between Marquette and the Soo.

Mr. SCOTT. You could do it; you could do a lot of things; but there are no short runs there—there are no boats operated on them. I am talking about the runs.

Mr. O'BRIEN. I am talking about the runs.

Mr. GAHN. There never have been any short runs on Lake Superior, have there?

Mr. O'BRIEN. There are passenger boats running there. I do not know about the runs——

Mr. SCOTT. Where are they?

Mr. O'BRIEN. I have seen passenger boats running out of Superior and Duluth.

Mr. SCOTT. Where do they run?

Mr. O'BRIEN. I don't know.

Mr. SCOTT. No; I guess you don't, because they do not run.

Mr. O'BRIEN. I am telling you about the boats.

Mr. SCOTT. They are not running, unless it has been in recent years. I can not speak as to recent years because I have not been up there.

Mr. O'BRIEN. This was a few years ago.

Mr. SCOTT. Then probably we are talking about the same time.

Mr. O'BRIEN. Now, about the boats taken by the Government. The implication was made here they were taken because of the seamen's act. The Government did not say anything about the seamen's act; the Government required those ships during the war, and they were taken and paid for. I do not know how much they paid for them or how much was paid for them. It is immaterial to me. I am not a shipowner; I am not in competition in sailing ships; the only thing I wanted to state is this, that the seamen's act had nothing whatever to do with the taking of the ships from the Lakes to salt water. They were required, and I am sure that the gentlemen who gave these ships were only too eager and willing to give to the Government the things that the Government required during the war. I know we gave our services and we faced the torpedoes, and in a great number of instances we had no guns to protect us. And we were on very, very slow ships, running across the Atlantic, and we did not flinch when it came to the question of the Government requiring us to serve the country. We called the men about and the American seamen responded, the American seamen who had been driven from the sea by the conditions that prevailed prior to the passage of the seamen's act. Those men responded until to-day we have at sea, or we had last December, 51 per cent of the personnel American born—not naturalized citizens, but American born—sailing on American ships. Prior to the passage of the seamen's act the amount of American seamen sailing was only 7 per cent, excluding the licensed officers.

Mr. EDMONDS. Just stop right there, Mr. O'Brien. Are you speaking about the sea, the ocean, or are you talking about the Lakes?

Mr. O'BRIEN. I digressed because I probably forgot the fact, or rather tried to prove, that the shipowners were willing to give their ships, and I also lapsed into the thought that we had not only given everything we had but were offering our services.

Mr. EDMONDS. I know you did, and I appreciate that; but I just want to correct your statement regarding 51 per cent of the seamen being American born. It is not so.

Mr. BANKHEAD. What statement have you there, Mr. Edmonds?

Mr. EDMONDS. A statement just made by the United States Bureau of Navigation.

Mr. BANKHEAD. I saw a statement in the papers the other day that made it even stronger than he has made it here.

Mr. EDMONDS. This statement is by the United States Bureau of Navigation and for the last six months ending December 1, 1920; it shows that in the overseas trade 60 per cent of the seamen are foreigners, 7 per cent naturalized, and 33 per cent Americans. In the near-by foreign trade, taking in the Gulf trade, 64 per cent are

foreigners, 6 per cent naturalized, and 30 per cent Americans. In the coastwise trade 47 per cent are foreigners, 11 per cent naturalized, and 42 per cent Americans. The average of the whole lot is 60 per cent foreigners, 7 per cent naturalized, and 33 per cent Americans.

Now, this statement was made by the department. The report was gotten up at my request, because I wanted to find out how they stood at sea.

I want to call your attention to something else. When was the seamen's act passed?

Mr. O'BRIEN. In 1914 it was passed.

Mr. EDMONDS. And was put into effect in 1915?

Mr. O'BRIEN. And went into effect in 1915.

Mr. EDMONDS. In 1914, 47.4 per cent of all the seamen on the sea were Americans or naturalized Americans. In 1915, 43.5 per cent—a reduction of 4 per cent—were Americans or naturalized. In 1916, 43.2 per cent were Americans or naturalized. In 1917, 42.9 per cent were Americans or naturalized—another reduction of 1 per cent. In 1918, 41.9 per cent were Americans or naturalized. In 1919, 47.6 per cent were Americans or naturalized. In 1920, 50.5 per cent were Americans or naturalized.

Mr. O'BRIEN. I believe you will remember there has been a great increase in the shipping of the United States since that time.

Mr. EDMONDS. That is true.

Mr. O'BRIEN. That included all the officers?

Mr. EDMONDS. No; it does not include the officers. I got a separate list for the officers. I am giving you the seamen. It is true the officers would raise the average, but these figures do not include the officers. This report is for the seamen only.

Mr. O'BRIEN. I took a census myself of the nationality of the seamen on the Great Lakes——

Mr. EDMONDS. I agree with you. I had this made in regard to the overseas trade and the coastwise trade, because I believe on the Great Lakes the percentage is more Americans than it is in the ocean and coastwise trade.

Mr. O'BRIEN. We have also had the census taken and we have the opportunity for taking the census, too, because there is not a man that joins our organization whose nationality is not put down, and any other question as well, when he is joining, as to whether he is a citizen or has his naturalization papers, or if he intends to become a citizen.

Mr. EDMONDS. If a man joins a ship, he has to go before the Commissioners of Navigation, does he not?

Mr. O'BRIEN. Not always.

Mr. EDMONDS. Does he become a seaman or anything like that, or does he go and join a ship without going before the Commissioners of Navigation?

Mr. O'BRIEN. Yes, sir. In fact, all of the coastwise trade practically does that.

Mr. EDMONDS. The coastwise trade is on the sea?

Mr. O'BRIEN. I am talking about the men who join the ships.

Mr. EDMONDS. A man certainly must enlist somewhere. He goes before the Commissioners of Navigation under the law and enlists, does he not, or whatever you call it?

Mr. O'BRIEN. Yes, sir; he joins the ships. However, Mr. Furu-
seth has the statistics there and I would prefer he would answer that
question.

Mr. DAVIS. Are these figures you have, Mr. Edmonds, with ref-
erence to the vessels flying the American flag only?

Mr. EDMONDS. Yes; American merchant vessels.

Mr. O'BRIEN. The Shipping Board has compiled the list that Mr.
Edmonds has now.

Mr. EDMONDS. I think the official list for anything we do is the
list furnished by the Commissioners of Navigation. I can not see
that the Shipping Board has anything to do with producing any-
thing authentic at all.

Mr. SCOTT. Except on their own ships.

Mr. EDMONDS. Except on their own ships. The Commissioners
of Navigation surely would be able to furnish us with a proper list.
They were five months in getting this up, at my request.

Mr. O'BRIEN. Supposing the Shipping Board has its own list,
that don't include the Lakes. The probabilities are the percentage
would be somewhat smaller.

Mr. EDMONDS. I would like to have you show me something to
disprove the report of the Commissioners of Navigation of the
United States.

Mr. O'BRIEN. I can only give you my own statement and the
census taken by me on the Great Lakes.

Mr. EDMONDS. Of course, it is understood a man on this list may
have enlisted five times during the time this list was made up, and
there may be duplications; but the average would be about the same.

Mr. O'BRIEN. I was not giving that; I was giving the census right
from the cards in our office showing the nationality of our men, who
would not come back and rejoin every two months.

Mr. SCOTT. Then the only list you have are members of your
union?

Mr. O'BRIEN. Yes, sir.

Mr. EDMONDS. You do not keep a record of the men outside of
your union?

Mr. O'BRIEN. We can not do that.

Mr. EDMONDS. Are there any?

Mr. O'BRIEN. There are quite a number.

Mr. SCOTT. All the men who go on the ships register with the com-
missioners.

Mr. EDMONDS. That is the way I understand it.

Mr. SCOTT. Am I right about that, Mr. O'Brien?

Mr. O'BRIEN. No; they don't. Now, it is immaterial, because we
do not employ the men. And the answer given here in the contro-
versy that has just come up is that the shipowners do not want the
Americans.

Mr. SCOTT. Why?

Mr. HARDY. I wish you would state all the information you have
as to the percentage of American seamen before the passage of this
bill on our ships, and the percentage since—whether it has increased
or decreased.

Mr. O'BRIEN. It was 7 per cent.

Mr. SCOTT. Where?

Mr. HARDY. Separate it and make it as broad as you can—ocean seamen, coastwise seamen, and lake seamen—what is the percentage. If you have not got it separated, just give the aggregate.

Mr. O'BRIEN. I only have the aggregate.

Mr. HARDY. In the first place, I want to know what percentage of our seamen were American citizens, either naturalized or American-born, and what percentage were foreigners.

Mr. O'BRIEN. I can only give you the American born; we do not take the naturalized.

Mr. HARDY. Give us what percentage were American born before this law went into effect.

Mr. O'BRIEN. About 7 per cent before the bill passed and in December, according to a census taken by our organization, which is authentic and can be verified at any time, there were 51 per cent American-born.

(At this point the committee took a recess for 30 minutes to answer a roll call in the House, at the termination of which the hearing was resumed as follows:)

Mr. O'BRIEN. Mr. Chairman and gentlemen, I object to this part of the proposed bill relating to the able seamen, going back to the 40 per cent again and then arriving, after four years more, at the 65 per cent we have now.

It is also provided that on the Great Lakes and their connecting waters, certificated lifeboat men may be used in lieu of able seamen—not only for the purpose of manning the lifeboats, but practically for the purpose of doing everything on board of the ship. The amount of men required to-day is not so great as one would be led to believe by the testimony that has been given here. If the men who are serving in the different departments as watchmen on board the passenger boats, if their positions were filled by able seamen, the additional cost to the shipowners would be very, very small. The difference in the wages of the able seaman and the ordinary seaman is very little. It was \$85 and \$125 last year. That was the amount per month, or \$40 difference per month per man. It does not mean that they would have to employ new men, but that those men in the places filling the watchmen's places, such as the cabin watchman, deck watchman, smokestack watchman, and these other watchmen they have, could be taken from the able seamen and then they would have those men there to handle the lifeboats to preserve the lives of the people who are traveling upon these boats.

It has been said there is nobody here to represent the people except, of course, the elected Congressmen, and that they have no representation here directly. And we in our humble way are endeavoring to protect the public as well as the seamen who are sailing on the Great Lakes. I have tried to show you that the lifeboat certificated man does not receive an examination that would qualify him for handling boats, in the lowering, especially. I have testified as to the type of examination which I myself received. I think if proof is necessary, that it could be easily verified by examinations of those men who are supposed to be able to do this work by competent men who understand the handling of boats, either a committee or a commission, that would try to find out whether those men are really qualified or not.

Somebody suggested that a certain amount of time be given to the certificated lifeboat man in order that he may have some experience besides whatever little examination he gets. On the Lakes and on the ocean the amount of time that the bill now in existence gives is 12 months; but any man of exceptional ability will or he might be capable of qualifying as an able seaman or certificated lifeboat man. That in itself precludes the possibility of men of exceptional ability being discriminated against.

Mr. MILLS. Do you mind being interrupted?

Mr. O'BRIEN. I would prefer to go on, and then I will close on that question in a minute.

Mr. MILLS. Go ahead.

Mr. O'BRIEN. For that reason I do not think that it is necessary to-day to ask that we reduce the skill of the merchant marine. It is not a question of a shortage of men any longer. There are thousands and thousands of our men of the merchant marine walking the streets to-day who have served their time on board of ships, qualified as able seamen, with the necessary skill to do the work on board of these ships. And now a bill comes along that is to discriminate against those men who were called to sea to serve the country and during the years that have elapsed since that time have acquired the skill necessary to give them the right to serve on board of ships and to prevent the possibility of loss of life through lack of skill. If there was a shortage of men, and when there was a shortage of men, gentlemen, we never objected to the dilution of the merchant marine, and we ourselves went on board of those ships and taught the men who came to the sea who did not have the skill necessary on board of the ships. We helped those men and tried to give them the necessary skill that would enable them to do the work, all during the war, and that would enable the American Nation to have a merchant marine of its own. We endeavored, and we have tried to bring about schools to give the necessary skill, when on shore, schools for those men that would enable them to be in a position to compete with the seamen of the foreign nations; and to-day we have those schools established. It is true that it takes time and money to do those things, but all that we have asked of the shipowners, to cooperate with us, is to see that the men, if possible, can be induced to recognize the necessity of acquiring that skill.

Ships must be handled. The quicker the turn around there is in the ship the better it is for the owner. I do not know whether the shipowner realizes these things or not. I do not know whether he understands that the less repairs there are to his ship the better it is for his shareholders. We are trying to do these things. We have, in the short space of time that has been given to us, tried to instill the necessary amount of skill in the men that we now have.

Mr. EDMONDS. You say "we"; who do you mean?

Mr. O'BRIEN. The seamen.

Mr. EDMONDS. Do you mean the seaman's union have done anything on this or the Shipping Board?

Mr. O'BRIEN. The seamen.

Mr. EDMONDS. Who paid the expenses? Did you pay them yourselves?

Mr. O'BRIEN. Yes, sir.

Mr. EDMONDS. You run the schools?

Mr. O'BRIEN. Yes, sir.

Mr. EDMONDS. Where do you run them?

Mr. O'BRIEN. In San Francisco. And at our last convention we decided to set aside a certain sum to start. That sum was \$15,000.

Mr. EDMONDS. When was your last convention held?

Mr. O'BRIEN. Last January.

Mr. EDMONDS. Since the war?

Mr. O'BRIEN. Yes, sir.

Mr. EDMONDS. Where did you educate them during the war?

Mr. O'BRIEN. On board of the ships. We had no other way to educate them, because of the shortage of the men.

Mr. EDMONDS. How did the seaman's union educate them on board of the ships?

Mr. O'BRIEN. By not recognizing, as other crafts do, the necessity of trying to have a job trust. We could have refused to allow the other fellow the opportunity of seeing how things were done, if we were built that way, but we are not. We tried to give those men every opportunity; we coached them on every possible occasion; taught them even in the forecastles when our watches were below. And those were the instructions of the seaman's union to the men on board of the ships and to the men going to sea.

Mr. EDMONDS. Was it your union that prevented the firemen and mechanics on board from doing the ordinary repairs on board of the ships?

Mr. O'BRIEN. No, sir.

Mr. EDMONDS. What union was that?

Mr. O'BRIEN. That would be one of the other unions.

Mr. EDMONDS. The ordinary tightening up of a bolt or a nut on board of a ship, what union would that be?

Mr. O'BRIEN. That is not our union. That would be the machinists' union—a shore union—that is fighting to get jurisdiction over the repairs. They claim to have the right to come on board of the ship and do this work, and we claim we have the right to do all the work on board of a ship.

Mr. EDMONDS. Do your unions—I do not know which one it is; the engineers or the firemen's union—do they do the ordinary repairs on the ship in order to keep the ship in operation?

Mr. O'BRIEN. Yes, sir.

Mr. EDMONDS. I was informed by the Shipping Board that some union tried to prevent their men from making the ordinary repairs on board of the ship.

Mr. CONWAY. Answering for the firemen's union, I can answer that better than he could.

Mr. O'BRIEN. I do not think, Congressman, that any of the sea-going unions have ever issued orders that would in any way prevent any man on board of a ship from doing any work on board of a ship required by the owner or the master.

Mr. EDMONDS. I have a list of repairs in my office upstairs that were required by a ship that got into port. These repairs were required to be done in port—repairs that any self-respecting man ought to have been ashamed to ask to be done.

Mr. O'BRIEN. Congressman, I do not think it was because the men on board the ship refused to make the repairs; there must have been some other things in there.

Mr. EDMONDS. I do not know where the order came from, but when a man refuses to tighten up a nut or put on a new nut, or put in a new bolt, or something like that, he is not much of a man to go on a ship.

Mr. O'BRIEN. We can not go any further than we have. We have published ourselves and sent out 70,000 copies of a book asking our men to do those things, and we are striving to get all of the work on board of the ship all of the time. Now, that is as true as I am standing at this table.

Mr. EDMONDS. Every bargain should have a give and a take. You folks asked for certain protection in the La Follette bill, certain improvement of your position. I think you ought to give something for it.

Mr. O'BRIEN. Aren't we doing so?

Mr. EDMONDS. You have not. Whatever union this is that asked for the repairs of the character I mentioned to be done on shore to the ship has not.

Mr. O'BRIEN. I am not responsible for anything that may be asked by any other union than the union I represent.

Mr. EDMONDS. Of course; I know that. I am only trying to find out exactly where the responsibility lay.

Mr. O'BRIEN. It is true that men strive to get work. Now, we have striven and are striving to get control of all of the work we possibly can on board of the ship, and our wages are not nearly as great as the wages of the men in the shore unions.

Mr. BANKHEAD. Let me ask you one question, but not on this same matter. What is the difference in the wage scale of a certificated lifeboat man and of an able-bodied seaman, on the Great Lakes, if any?

Mr. O'BRIEN. I do not know anything about those certificated lifeboat men, excepting on the wage question.

Mr. BANKHEAD. That is what I asked you.

Mr. O'BRIEN. The certificated lifeboat man might be a steward; he might be a cook; he may be a bell boy; he may be in any of those jobs, or a cabin patrolman, or a mess boy. All of those men may have lifeboat certificates.

Mr. BANKHEAD. But if they were, they would not draw the wages of an able seaman, would they?

Mr. O'BRIEN. No, sir.

Mr. BANKHEAD. They would only draw the wages for the work they actually did?

Mr. O'BRIEN. Yes, sir. You see, the amount of wages, the difference, between a bell boy who might be certificated and an able seaman would be considerable. There would be considerable difference between the two. The bell boy, I believe, gets about \$10 or \$20 a month.

Mr. HARDY. The lifeboat certificate does not cut any figure in his wages?

Mr. O'BRIEN. No, sir; not to my knowledge.

Mr. BANKHEAD. This bill provides over here, as an amendment to section 13, that on the Great Lakes and their connecting waters certificated lifeboat men may be used in lieu of able seamen?

Mr. O'BRIEN. Yes, sir.

Mr. BANKHEAD. That is, in complying with the requirements as to the percentage of men, under the general law, who are required to have a rating of not less than that of able seaman?

Mr. O'BRIEN. Yes, sir.

Mr. BANKHEAD. What I was trying to do was to ascertain the difference the owners of the vessel would have to pay if their crew was certified lifeboat men, as compared with what they would have to pay if they used able seamen.

Mr. O'BRIEN. We will say, for instance, there were a certain number of able seamen on board of the ship—10, for illustration—and that there were 10 certificated lifeboat men in the culinary department. The shipowner would not be called upon to employ any skilled men outside of those 10 certificated lifeboat men who were cooks and stewards in order to run his ship. That is what that bill means.

Mr. BANKHEAD. That is the point I want to make clear.

The CHAIRMAN. You said you sent out some 70,000 books?

Mr. O'BRIEN. Yes, sir.

The CHAIRMAN. Where did you send those? You did not send any of them here to Washington, did you? Where did you send them?

Mr. O'BRIEN. Yes, sir; we sent some of them here.

The CHAIRMAN. If they are kept under cover—we all may have books and sit down on them, and I want to know where those 70,000 books were sent.

Mr. O'BRIEN. I will tell you. I happened to be in the office where the printer sent those books from. That was in Chicago, and every port on the chain of lakes received a certain amount of those books for distribution amongst the seamen who go to sea on the chain of lakes. The same condition prevailed in every port where we have an office from Maine to Port Arthur, Tex. The same condition prevailed there. Each and every officer of the organization——

The CHAIRMAN. I thought the 70,000 were for general distribution, and, if so, I might have seen one at some time during my service here, but I never did.

Mr. O'BRIEN. I would be glad to send you one.

The CHAIRMAN. I do not know whether it would be of any value to me, but I have never seen any. And I want to know, if you sent them out, why I have never seen any.

Mr. O'BRIEN. I do not know why you have never seen any. We wanted to educate the men who went to sea.

The CHAIRMAN. I would like to be educated myself.

Mr. O'BRIEN. We did not imagine that would be necessary, Mr. Greene. However, this is the point, that I and the seamen who have sent me here are especially against; that is, the dilution of the merchant marine at a time when the country is flooded with skilled men, capable of saving life and who have acquired that skill in the service of the country in time of war and are now to be thrown on the dock for green hands to come aboard who might possibly have the knowledge of pulling an oar.

Mr. MILLS. Have you anywhere described the duties of an able seaman on the modern passenger vessel?

Mr. O'BRIEN. The duties of an able seaman on the modern passenger vessel—an able seaman must be capable of executing any order on board of the ship pertaining to the deck department; steering a ship; know how to keep a lookout properly; handle lamps, paint; splice lines, wire or rope; know how to handle lines; how to take the ship from her moorings, how to take up her anchor. The amount of things that the able seaman must know—I do not want to tire you gentlemen, but believe me the amount of things the able seaman is required to know on board of the ship would fill several pages and which, if he does not know, his ostracization would take place immediately. The other men know that they have to do that man's work.

And this is another thing that I want to bring to your attention in conjunction with the skill of the able seaman and the lack of skill on the part of the certificated lifeboat man. The able seaman, who is an American whom we have brought to the sea and whom we went out to the country and asked to come to sea—they are here trying to get jobs and some are on the ships holding jobs. Those men have acquired a certain amount of skill. The standard of the American is much higher than the standard of the European. That boy or young man now has been raised in a certain atmosphere; he has been used to working with certain people also. He is now going to be called upon, in case of a scarcity of men, not only to do the work that he is called upon to do but to do the work of the unskilled man with him he is going to be brought in contact. The consequence of that will be that these unskilled men upon whom you are going to depend for the instructions that the unskilled are to receive, will be driven from the sea; and when it comes to meeting competition, if you have not skill in your merchant marine your merchant marine will die of itself. You must be able to compete with the opposition; you must be able to compete through the skill that your personnel has.

Mr. GAHN. Did not the operators on the Great Lakes have able seamen on their boats before 1914?

Mr. O'BRIEN. They did, sir.

Mr. GAHN. Have they not always had?

Mr. O'BRIEN. They had, sir.

Mr. GAHN. Have they had any more able seamen on the Great Lakes since 1914 than they had before?

Mr. O'BRIEN. Do you mean in numbers?

Mr. GAHN. Yes.

Mr. O'BRIEN. I do not think so.

Mr. GAHN. What harm does this bill do, then, to the able seamen on the Great Lakes?

Mr. O'BRIEN. It simply eliminates them.

Mr. GAHN. How?

Mr. O'BRIEN. By putting in their places green men with lifeboat certificates.

Mr. GAHN. The green man can not take the place of the able seaman on the Great Lakes, can he?

Mr. O'BRIEN. Why can't he?

Mr. GAHN. Unless he is qualified to do the work.

Mr. O'BRIEN. Pardon me. It says right here:

Provided, That on the Great Lakes and their connecting waters certificated lifeboat men may be used in lieu of able seamen.

Mr. HARDY. Now, will you permit me right there: That provision in this bill leaves it with the boat owners as to whether they will have any able seamen on the Great Lakes or not?

Mr. O'BRIEN. Yes, sir.

Mr. HARDY. They may fill up their whole crew—deck and everything else—with certificated lifeboat men, where heretofore able seamen have been required?

Mr. O'BRIEN. Yes, sir.

Mr. HARDY. In other words, it leaves no able seamen required to be employed on these vessels?

Mr. O'BRIEN. Yes, sir.

Mr. CHINDBLOM. Now, Mr. O'Brien, did you read from page 5 just now?

Mr. O'BRIEN. No, sir; I read from page 4.

Mr. GAHN. Mr. O'Brien, they could not man the boats—they could not run the boats—unless they were able seamen in addition to being certificated lifeboat men, could they?

Mr. O'BRIEN. I know they could not run them successfully, and I am trying to prevent the shipowners from committing suicide.

Mr. SCOTT. Before the law they were using able seamen on the Great Lakes, were they not, Mr. O'Brien?

Mr. O'BRIEN. They were using wheelmen. The watchmen and deck hands had to pass coal and be deck hands as well.

Mr. GAHN. The present law requires them to use only 65 per cent of able seamen in the crew?

Mr. O'BRIEN. Yes, sir.

Mr. GAHN. They can still use 35 per cent of certificated lifeboat men?

Mr. O'BRIEN. Yes, sir.

Mr. GAHN. The lifeboat men, unless they are able also to take the places of able seamen—they could not run the boats, could they, on the Lakes?

Mr. O'BRIEN. No; not very well. You see, I do not know whether the shipowners really understand the bill, because it has been rather peculiar to me to find people who are quite willing, in view of the fact that there is a tremendous oversupply of seamen at the present time, to risk the safety of their property and the lives of the people on board, who are patrons, with unskilled men, when they have an immense supply of skilled men to draw from. I can hardly believe that the shipowner really understands that part of the bill, because I do not think——

Mr. SCOTT. What is there in the bill that compels him to take other than able seamen?

Mr. O'BRIEN. It says right here: "*Provided*, That on the Great Lakes on their connecting waters certificated lifeboat men may be used in lieu of able seamen."

Mr. SCOTT. "May be used," but not shall.

Mr. O'BRIEN. I do not say they must use them.

Mr. SCOTT. You said a moment ago, if I understood you—and I certainly do not want to misquote you—that you could not under-

stand why the operators on the Great Lakes wanted a law which would compel them to use incompetent men in the operation of their ships.

Mr. O'BRIEN. I do not think you got my answer correctly, or maybe I did not get your question properly if I answered like that. But I want to say this: That the able seaman can be eliminated by this clause.

Mr. SCOTT. In other words, the law provides this: At the present time if your ship goes into the dock at one of our Lake ports, a passenger ship, with somebody dying on board, and one of your sailors gets sore at the captain or sore at an officer, and he leaves the ship at the dock, under the law that ship can not leave the dock until the captain gets an able seaman on board. This bill provides in that event, or in a like emergency—not class legislation—that the operator of the ship may use a certificated lifeboat man in lieu of an able seaman.

Mr. O'BRIEN. Pardon me. I do not like to question the statement of any Congressman, and maybe I am dense——

Mr. SCOTT. Maybe you are and maybe we are.

Mr. O'BRIEN. I say maybe I am. I am not a lawyer, and bills are strange things to me, and in order that I may be clear on the question, isn't it a fact that to the shipowner is left the right to judge whether he shall have able seamen or unskilled men?

Mr. SCOTT. Yes—not unskilled men—he has to get skilled men on board of his ship, and he has those. The particular application of this law—you heard the testimony yesterday; you were here. The D. & C. people said even before they had any law at all—and you do not controvert it—they had able seamen on their ships. You have got to have able seamen on the ships. That is a condition over which there ought not to be a law. You could not pass a law that the sun shall shine, because it is going to shine anyhow. That is a condition that is natural.

Mr. O'BRIEN. But this is not a natural law; this is a man-made law.

Mr. SCOTT. Yes; this is a man-made law, and we insist it is a man-made law applying to natural conditions that are not compatible with its enforcement. That is the point.

Mr. O'BRIEN. The question is whether this will be compatible or not.

Mr. SCOTT. It has been before, because if you put my bill into effect it will in some measure return to the conditions that existed prior to the passage of the La Follette Act.

Mr. O'BRIEN. Which was that there were no able seamen. The only men that ever received any examination were the men who were in the unions, who were examined as to their qualifications. Those were the only men on the Great Lakes who received an examination. Now, I do not think it is fair to say that there were able seamen on the Great Lakes before. There were men known as wheelmen; there were men known as watchmen; but the only thing they had to go on was whatever examination we were capable of giving to the men in order that we might have some way as a guide to the men who are trusting their lives to the men who work with them. You must understand it does not only mean those men are going to lower boats, but those men are at the mastheads, and anybody who may be sitting

in a chair at the bottom of the mast is at the mercy of the man who lowers them. If he does not know how to do it, he is liable to drop that man from the masthead. Consequently, the seaman tries to see that the fellow who is working with him has as much skill as he can possibly have.

Then the men have to paint the ships all over, despite the fact they do not have anything to do. You know Mr. Davidson said the seamen have nothing to do when the ship gets into port. I have sailed a great many years——

Mr. SCOTT. How many times did you paint the *Tionesta* during the time you were on her?

Mr. O'BRIEN. I had to paint her all over.

Mr. SCOTT. During the season?

Mr. O'BRIEN. During the season.

Mr. SCOTT. At what time during the season?

Mr. O'BRIEN. You know, in the first place, the *Tionesta* is usually painted in the spring——

Mr. SCOTT. Why, sure.

Mr. O'BRIEN. But paint rubs off, through collisions, rubbing along the docks, and things like that. The passenger-boat owners are much more particular as to the looks of their ships than the owners of the freight ships are, and the consequence is that you are continually patching up. And not only that, but you scrub every morning; you scrub the paint work. You know very well the pride of the shipowner is in the cleanliness of his ship. Not only do our people do that work, but our people work, we men on board the ship, and you can not keep a ship clean, with thousands of people trafficking to and fro on those ships, unless you do the work at the time the people are on shore. And that is the only time you can do it, when the ships are at the dock.

Mr. HARDY. Let me go back and try to straighten up one thing. The seamen's bill required that of the deck crew there should be 65 per cent able seamen?

Mr. O'BRIEN. Yes, sir.

Mr. HARDY. Now, this bill, in the proviso in line 8, page 4, says:

Provided, That on the Great Lakes and their connecting waters certificated lifeboat men may be used in lieu of able seamen.

Mr. O'BRIEN. Yes, sir.

Mr. HARDY. So that that proviso leaves to the boat owner the privilege, if he desires to do it, of doing away with every able seaman and using only certificated lifeboat men?

Mr. O'BRIEN. Yes, sir.

Mr. HARDY. That is the whole thing in a nutshell.

Mr. GAHN. But as a matter of practice they do not do it.

Mr. HARDY. As a matter of practice they do not do it, but this bill will permit them to do it.

Mr. GAHN. They ought not to do it.

Mr. HARDY. If they ought not to do it, then this bill ought not to have that in here.

Mr. SCOTT. If you will permit this suggestion: Before the La Follette Act went into effect the phraseology that I carry in my amendment constituted what law there was. You saw fit and your colleagues saw fit to put on the statute books legislation which com-

pelled the acceptance of a certain percentage of individuals, and you specified what they were. Now, up in my country on short runs—and I insist and have insisted all along that I am only aiming to meet the situation because on the Great Lakes there are only short runs—a man has to get an able seaman on there, and it is not necessary at all. There are only three boats, the *Tionesta*—and Mr. O'Brien happened to be on that boat—the *Octarara*, and the *Juniata*, that run from Buffalo to Duluth, which is a long run.

Mr. HARDY. Before that law passed there was no law in the United States that required any kind of manning of a vessel. There was an inspection service that had to wrestle with the boat owners as to what kind of crew they should put on, but no law defining what an able seaman was and no law requiring any number of able seamen. We debated it here for two or three years and had everybody testify as to how many able seamen there ought to be, and then we incorporated that requirement in the law. They said able seamen were scarce, and so in the requirement for the first year we made it 40 per cent; for the next year, 45 per cent; for the next year, 50 per cent; for the next year, 55 per cent; and then for the next year, 65 per cent—giving them all that time for the education of able seamen, so that by varying the percentages and increasing them gradually the bill could be complied with. And we required under the bill that the deck crew should have so many able seamen. Now, this bill does away with it and says they can have anybody.

Mr. O'BRIEN. Yes, sir; that is true.

Mr. SCOTT. Was not that true under the La Follette bill?

Mr. HARDY. There was a great deal of complaint about safety.

Mr. SCOTT. There was no complaint on the Lakes. Do you recall any testimony to that effect on the Great Lakes?

Mr. HARDY. I recall testimony—whenever we get into this discussion as to safety you have a string of testimony showing it is safer to be on the Lakes than for a man to be in his own bed or in his own home. But if you do not want any requirements to protect ships and the lives of people on ships at sea, if you do not want any skill, then you ought to have this bill.

Mr. MILLS. What I am trying to get at is wherein in calling a man an able seaman you protect life at sea. Now, I have asked this witness to tell us what the average duties are. He tells me they paint the ship. That does not protect life at sea. He says they keep the ship clean; they have to splice ropes; when the ship comes into port they have to tie up. We have all seen that done. Now, wherein does this man, during those three years on a modern passenger vessel, ever perform the duties which directly affect the safety of a vessel? I would like to have that.

Mr. O'BRIEN. When I was talking of the qualifications of the able seaman, in answer to your question, I said that there were a great number of things that an able seaman had to know in order to be capable of qualifying as an able seaman.

Mr. MILLS. Let us confine ourselves to those affecting the safety of a ship.

Mr. O'BRIEN. It is right there [indicating].

Mr. MILLS. Will you answer the question?

Mr. O'BRIEN. You have it right in front of you, I think.

Mr. MILLS. I would like to get your opinion of it.

Mr. O'BRIEN. He has to be able to steer the ship; he has to be able to splice lines——

Mr. MILLS. Yes; the steering of a ship would have to do with safety. Then I would like to know, for my own information, does every able seaman steer the ship?

Mr. O'BRIEN. Yes, sir; he is supposed to.

Mr. MILLS. From the able seamen you do not select a particular group as wheelmen, do you?

Mr. O'BRIEN. Some men prefer to sail as wheelmen. It is not our fault they are segregated.

Mr. MILLS. I am asking you whether there is a particular group selected. This is to bring out the information.

Mr. O'BRIEN. Now, we must serve on board of the ship in the positions in which the shipowner and the ship officers desire us to, or else we will be insubordinate. Consequently when we go on board of the ship we have not a right to go up to the master and say, "I am going to be wheelman," or "I am going to be watchman," or "I am going to steer so many hours, and we will all steer in our turn." We are not supposed to be in a position to do that. That would mean we are taking charge of the ship, and the discipline spoken of by the shipowners would really be in danger. Consequently, when the captain or the mate says to the man, "You serve as wheelman; you serve as watchman or you serve as lookout man; you serve as able seaman," that means that certain men are put in positions as quartermasters, as we call them.

Now, on the Great Lakes last year, for the first time in the history of the Lakes, the inspection service came up and issued these orders, that able seamen shall serve as wheelmen and watchmen, and the others are eliminated. It was the first time the 65 per cent went into effect, practically speaking. The result was that every one of those men who went on board as able seamen had to be qualified as wheelman and to take his trick at the wheel.

Mr. MILLS. When was that?

Mr. O'BRIEN. Last year. Those are the orders, and the inspection papers of the vessel owners read so if there was any segregation afterwards it was outside of the jurisdiction of the inspectors and seemed to show it was brought about by the officers or owners. I do not know as to that. But I do know the inspection service issued those orders last year.

Mr. MILLS. Now, let me go on with this other proposition. You have mentioned steering the vessel, which obviously requires skill; but it won't require 65 per cent of the deck crew to man the wheel?

Mr. O'BRIEN. No, sir.

Mr. MILLS. Aside from steering the vessel, what other duties does the able seaman perform that directly affect the safety of the ship?

Mr. O'BRIEN. He must have a knowledge of the weights on tackles. That knowledge in itself means a lot. It means that he must acquire a knowledge of the weight that ropes can stand. There is no way of acquiring that knowledge except through actual practice.

Mr. MILLS. Now, where do you use those ropes?

Mr. O'BRIEN. We use them every day.

Mr. MILLS. You use them every day? How do you use the ropes on the steamship every day at sea?

Mr. O'BRIEN. You do not use them every day at sea; but you do not know when you are going to be called upon to use anything.

Mr. MILLS. You use them to tie up, don't you?

Mr. O'BRIEN. I have been at sea, Congressman, on a ship that had not carried sail for 13 years, and because of that fact, that she had not carried sail for 13 years, the conclusion arrived at by the owner and officers of the ship, although they have a place for the sails, was that they would not be used any more. The consequence was that they stored them away down below in the lower hold, altogether. For 13 years that ship run without carrying sail. But she went on the tail end of the banks and lost her rudder and propeller, and we were called upon again to bring back the skill we used to have, outside of the skill of the steamboat man, because of having sailed these sailing ships, and we were called upon to go up those masts with axes to cut away the paint that had accumulated on the travelers, and then to bend the sails on that ship again; we were called upon to build three jury rudders that weighed 5 tons, and to erect tackles that would lift those things off the deck and put them over the stern—on the sea, mind you.

Mr. SCOTT. On the ocean?

Mr. O'BRIEN. On the ocean; yes, sir.

Mr. MILLS. I will concede all that is skilled work.

Mr. O'BRIEN. It is able seaman's work.

Mr. MILLS. Of course, it is; but that was an emergency. It does not answer the point I am trying to get at. I am not trying to tie you up; I am trying to get information.

Mr. O'BRIEN. I am trying to give it to you, Congressman.

Mr. MILLS. What I want to know is how is the skill acquired during the ordinary service of three years, as so-called able seamen, on the part of the deck crew? You have mentioned the steering as one of the common duties. That requires skill. What are the others?

Mr. O'BRIEN. The others are along the same lines I have been talking about. Men must put in new gear; men must repair the gear—the men that repair the gear on board of the ship.

Mr. MILLS. Just what kind of gear?

Mr. O'BRIEN. I am talking about the rigging on the ship.

Mr. MILLS. How much rigging is there on the ordinary ship?

Mr. O'BRIEN. There is sufficient——

Mr. MILLS. On a steamship?

Mr. O'BRIEN. Yes. There is sufficient rigging on board of the ordinary steamship to give any man a complete education in splicing. Now, that is one. He must acquire, as I said before, a knowledge of the strength of lines in order to be able to handle the ship.

Mr. MILLS. Don't you use standard lines on those ships?

Mr. O'BRIEN. Standard lines?

Mr. MILLS. Yes. In other words, when you tie up you don't have to determine each time you tie up to the dock the weight of rope you are going to use; your rope is there and the able seaman ties up to the dock with it, doesn't he? It is not left to his discretion to determine what rope to use, is it?

Mr. O'BRIEN. In the first place, you do not always put into the dock at the same speed. And another thing, whether we like these things or not, we must acknowledge it is upon the able seamen to

determine whether the rope is going to carry the weight, because he is the man to handle the rope, and he is attended also by an ordinary seaman. And where the ordinary seaman does it alone, the able seaman must be there to watch, and he is.

Mr. MILLS. He does that by throwing the rope?

Mr. O'BRIEN. No, sir; not throwing the rope.

Mr. MILLS. Or handling the rope, either?

Mr. O'BRIEN. The able seaman handles the back spring. That is the rope that ordinarily stops the ship. The ordinary seaman is at another rope that does not get the exact amount of weight that the able seaman's rope is called upon to bear. It is not of as great importance in stopping the ship and the mooring of the ship as the line this man is handling. The consequence is, in handling the lighter line, that skill is derived in that way eventually. He might break three or four lines before he acquires the skill. I have known fellows who lost their legs before they acquired the skill, and the poor fellows, of course, never got the skill. That was in the days before they had to have three years on board ship before they were qualified as able seamen.

Mr. SCOTT. Will you let me ask you a question? We will bring it right down to actual cases, rather than a general proposition. We will assume an able seaman is in charge of the aft line; the boat is making a landing at the dock.

Mr. O'BRIEN. Yes.

Mr. SCOTT. And he is supposed, under your statement, to have knowledge as to whether that line will hold?

Mr. O'BRIEN. Yes; he is.

Mr. SCOTT. Where does he get his orders from as to whether he shall slack or hold fast? Does he take his own judgment and let go of his line, or slack his line, or does he get his orders from the mate up on the bridge, or up above him on the afterdeck, saying let go; slack your aft line; make tight?

Mr. O'BRIEN. I will have to qualify my answer, of course.

Mr. SCOTT. I guess so; I thought you would.

Mr. O'BRIEN. No; if you ask me does he receive orders to tie the ship up, I will say yes. Or if you ask me does he receive orders to slack the ship, or let go of the rope, I will say yes. But when it comes to a question of stopping that ship, if the captain or mate is a wise man, he is not going to say when you shall hold or when you shall slack; because a great amount of the knowledge of stopping the ship at the right moment comes from the man who is actually handling the rope; just the same as two men can not steer the ship at the same time.

It is a fact the captain might be giving orders, but he gives orders to the wheelsman usually on the way into port to port her one-half or starboard five-eighths. He starboards his wheel. But the captain does not tell him how much wheel he is going to put on that ship to get the one-eighth of that point. He knows immediately that when he starts to tell him how to put the wheel, that there is a conflict of opinion and the man loses confidence in himself and the ship goes off two or three points. The wise captain refrains from doing anything like that, and as result the wheelsman has the confidence in himself and gives the ship the necessary amount of helm and stops

her right on the point in the same manner as when he is docking the vessel. The weight of the vessel is on the line. He has the angle on lines that the captain on the bridge would have as to whether the line was about to part, which would be a matter of looking, and that would give the captain the knowledge that the line had just parted. The strands would go, and the moment the strand goes the whole line is gone. If you do not keep your line taut and allow it to burr and surge as it comes along and to surge suddenly and slack coming, you are going to part your line if you do those things.

All those things are in the running incidents of the ship, and that is the reason that I say that I am amazed at the attitude of the shipowner outside of the saving of life. I am sure there is no shipowner who would want anything done that would jeopardize the lives of the passengers that are on board these ships, because it means a dropping off of all passenger service if anything like that occurs; and not only that but because of humane reasons, I do not think that the shipowners are actuated by a desire to drown anybody, and if they attempt to examine this bill as it is, I think they will be with me and against the bill themselves, because, really, gentlemen, that bill spells disaster for the shipowner.

Mr. GAHN. On the Great Lakes—I don't know about the ocean—did you ever hear of the snapping or breaking of a line that lost passengers' lives?

Mr. O'BRIEN. I did not say passengers' lives. I said the man's life that was handling the rope. I have known men that lost their legs due to snapping the line. Here is what we call the timber heads that made the ship fast. We take our line here [indicating] the line parts at the timber heads at the shore where the strain gets greatest on the line. The line, as a rule, does not part in the middle. It parts where there is a pressure greater than the amount of pressure in the middle, consequently the line is so much weaker. If it parts and you are standing here that line spreads around, and anything that it catches is going to go. Men have had their legs torn off.

Mr. GAHN. Do not the able seamen get caught and injured?

Mr. O'BRIEN. Yes; that is true. Of course they do. There are times when nobody can stop the ship. There are times when no matter what line you hold, that happens, but I am speaking of the skill in the ordinary terms.

Mr. GAHN. This law has not saved anybody from being injured with these ropes, has it?

Mr. O'BRIEN. Yes; it has; by stating that men shall have a certain amount of service before they are qualified as able seamen and because able seamen, as a rule, are handling lines.

Mr. GAHN. Has any able seamen been injured since this law went into effect?

Mr. O'BRIEN. I could not say as to that. I do not mean to convey the impression that the law wipes out all accidents. It does not.

Mr. HARDY. You mean to convey the impression that there is likely to be more accidents if you have not got skilled men than if there are not.

Mr. O'BRIEN. That is what I mean.

Mr. GAHN. On the Great Lakes, were there more injured before 1919 than since on account of this act?

Mr. O'BRIEN. I could not tell you; I have not kept track of any accidents on the Lakes; in fact it would be impossible for me to do that.

Mr. JEFFERIS. Do I understand you to say that on the Great Lakes there were no able seamen before the passage of this law?

Mr. O'BRIEN. No, sir; they were known as wheelmen, watchmen, deckhands, and coal passers.

Mr. JEFFERIS. As a matter of fact we did not have that designation in the law, able seamen?

Mr. O'BRIEN. No, sir; not in the sense that the law calls attention to it.

Mr. JEFFERIS. How could they run the boats before this law was passed if they did not have able seamen? Did they not have boats on the Lakes?

Mr. O'BRIEN. Yes; they did. The only examination, as I said before, that was given was the examination given by the unions, and that was the skill required. We were not called able seamen.

Mr. JEFFERIS. It does not matter what you were called. I do not care about names and designations. They must have had somebody who knew how to run boats on the Lakes before this law was passed.

Mr. O'BRIEN. Yes; I did not get your question.

Mr. JEFFERIS. Were they competent men to run boats on the Lakes?

Mr. O'BRIEN. Some were; some were not.

Mr. JEFFERIS. Did they lose many people, passengers, or have many accidents before this law was passed or not?

Mr. O'BRIEN. They had quite a lot of accidents. I think it was because of the numerous accidents that the law was passed.

Mr. JEFFERIS. Where did they have those accidents? How many people were lost?

Mr. O'BRIEN. There were at one time 900 lives lost in the harbor of New York.

Mr. JEFFERIS. That was not on the Great Lakes.

Mr. O'BRIEN. This was in the harbor.

Mr. JEFFERIS. I am talking about what this law applies to.

Mr. O'BRIEN. I think the *Eastland* went down at the dock in Chicago and drowned a considerable number.

Mr. CHINDBLOM. You mean to say that it was due to any neglect in manning with seamen?

Mr. SCOTT. When did she go down?

Mr. GAHN. She went down in 1916, since this law went into effect.

Mr. O'BRIEN. No, sir; not in 1916.

Mr. GAHN. When did she go down?

Mr. O'BRIEN. In 1914.

Mr. SCOTT. 1915.

Mr. GAHN. This law was in effect then.

Mr. O'BRIEN. No, sir; not until November, 1915.

Mr. JEFFERIS. Did you serve on the Great Lakes before this law went into effect?

Mr. O'BRIEN. Yes, sir; I did.

Mr. JEFFERIS. For what number of years?

Mr. O'BRIEN. For about eight years.

Mr. JEFFERIS. Actually on a ship?

Mr. O'BRIEN. Yes, sir; actually on a ship up to that time.

Mr. JEFFERIS. What were you employed as and who employed you before this law went into effect.

Mr. O'BRIEN. I was employed as a wheelsman and as a watchman. I brought my skill with me from the ocean.

Mr. JEFFERIS. Did the owners of the vessel employ you without the law requiring them to do it or not?

Mr. O'BRIEN. Did it compel them to employ me?

Mr. JEFFERIS. I say they did voluntarily.

Mr. O'BRIEN. Of course they did; yes.

Mr. JEFFERIS. During those eight years that you actually served on the Lakes before this law was passed, did your crews suffer any loss of passengers?

Mr. O'BRIEN. No; I can not say that they did.

Mr. JEFFERIS. Then the owners, during those eight years, must have selected competent men to run their boats, did they not?

Mr. O'BRIEN. I would hardly say that.

Mr. JEFFERIS. You considered yourself competent, did you not?

Mr. O'BRIEN. I did; yes.

Mr. JEFFERIS. How were the rest of the crew?

Mr. O'BRIEN. I do not think that they were quite up to what they would be termed competent. I do not think they were.

Mr. JEFFERIS. Since the passage of this law have you acquired any additional skill than what you had when you served for eight years before the law was passed?

Mr. O'BRIEN. I will have to answer that at length. We have a certain amount of skill on the Great Lakes since this seamen's bill was passed, for this reason, that the bill compels men to serve as ordinary seamen, before they can be able seamen, 18 months on the Great Lakes.

Mr. JEFFERIS. I was asking about your own personal experience, rather than about the others that you have educated. I am asking if you gathered any new skill?

Mr. O'BRIEN. If I gathered any new skill?

Mr. JEFFERIS. Yes.

Mr. O'BRIEN. Yes, sir; a sailor is always learning, unless he is very foolish; then a man ceases to learn.

Mr. JEFFERIS. Was it on account of the law or on account of your adaptability to acquire skill?

Mr. O'BRIEN. No; on account of necessity.

Mr. JEFFERIS. Necessity?

Mr. O'BRIEN. Yes.

Mr. JEFFERIS. Then, if there had been no law, necessity might have induced you to acquire that skill or not. Did the law require that?

Mr. O'BRIEN. That is perfectly true. Necessity may have induced me to acquire that skill, but I do not think that we want to be bound to necessity. I know that I would not like to be, and the reason we are objecting to this bill is because of the fact that it will make it a necessity. Necessity will be the only reason.

Mr. KIRKPATRICK. Have you any objections to the provisions of the bill to reduce the number of these short lines?

Mr. O'BRIEN. Mr. Conway, who is a fireman, can answer that.

Mr. CHINDBLOM. The able seamen who are now working on the Great Lakes have been certified as such, all of them?

Mr. O'BRIEN. Yes, sir.

Mr. CHINDBLOM. Would you say that all of them are competent?

Mr. O'BRIEN. I would not.

Mr. CHINDBLOM. So that the same rule would apply even with the law and regulations or any restrictions that would apply without such laws and regulations as to the good and real competent men; it depends a great deal on the individual, does it not?

Mr. O'BRIEN. I do not think so.

Mr. CHINDBLOM. You do not think it depends on the individual?

Mr. O'BRIEN. Yes; to a certain extent. Yes; of course. There are individuals who are a little broader than others, but take them as a whole they are about on a par. Men, as a rule, do not excel in all positions, anyhow. If they were remarkably brilliant they would not be going to sea.

Mr. CHINDBLOM. I do not agree with you.

Mr. O'BRIEN. You do not agree with me?

Mr. CHINDBLOM. I do not agree with you. I think there are men who like the sea. There was a time once if my lines had run that way I would have gone to sea.

Mr. O'BRIEN. There are thousands like you to-day.

Mr. CHINDBLOM. It is because they like the sea. It is not because they are not having the opportunities to acquire skill.

Mr. O'BRIEN. On that question about the liking of the sea there are thousands and thousands of young men surrounding the Lakes. There are, I think, eight States surrounding the Lakes which should be the breeding ground of the American merchant marine, because from there you get the actual Americans. Those men come to the Lakes.

Mr. SCOTT. In order to be seamen there have to be ships.

Mr. O'BRIEN. If I will be allowed I will show you what happens to them. They come to the Lakes every season and are welcomed into our organization without any skill at all and shipped in the capacity of ordinary seamen in order to give them the opportunity to acquire the skill necessary to make them able seamen. They go on board those ships; thousands of them go into the Lake Carrier's Association ships and the conditions faced under the law which is not being enforced are so bad that the turnover for seven months is 700 per cent for these men who have a liking for the sea and come and are disillusioned. The conditions on board of the ships that we are now getting would become worse than by trying to pass this bill. I said that the turnover to-day is 700 per cent on board those ships, and we are going to reduce the watches to two watches and give these men the 84 hours. I do not want to speak on that matter, because it is a firemen's question. I do not want our men to come here with a liking for the sea. Whatever reason may be assigned for that I do not know, and I am not going into it, but the liking is there and these men come and they serve a month, a week, or two weeks, and they disappear; they say there is nothing in it for us. The conditions are no good. It is true we are accused of having wonderful conditions, but the fact remains that the conditions are so good that the men do not remain on the ships; they are driven from the ships, and there is to-day a 700 per cent turnover in the ordinary seamen's department.

Mr. CHINDBLOM. But there is a surplusage of able seamen to-day, is there not?

Mr. O'BRIEN. There is because of the fact that the vast majority, I think, there are 60 to 70 of the boats laid up, and I have heard Mr. Davidson say here that only about 18,000,000 tons of iron ore was carried down this year, consequently that will mean cutting in half practically the amount of men required. Now I want to say this also, that there has been a great lot of testimony submitted here as to why the seamen's bill should be eliminated altogether or certain sections of it repealed, and as reasons for that were given the fact that ships were not running this year. Now, in 1914 and 1913 and 1912 and 1908 we had more ships tied up than we have even to-day tied up to a brick wall, and the great bulk of the freighters on the Lakes were without anything for them to do.

Not one cent was being paid to the shipowners who could run their boats at that price, and the result was that the ships did not sail and the seamen's act was not there in 1908.

The year of what we termed the open ship was in existence on the Lakes, and the shipper did not work with her.

Mr. SCOTT. You are talking about the freighters now.

Mr. O'BRIEN. I am speaking of the ships in 1908 and the seamen's act had not passed or was not thought about in 1908. In 1907 we had what on the Lakes? We had a 100 per cent organization on the Lakes, and the seamen's union has been created right here in the testimony of some of the witnesses that its birth came about with the passage of the seamen's act, where in reality, gentlemen, we had almost 100 per cent organization from the year 1900 up to 1908 of the lines in the seamen's organization, and to-day we have not got 100 per cent. We have about 70 per cent organization, and the vast bulk of the ships are run on the Great Lakes on what is termed the open ship to-day, and it is well known what that term means, because if we are known as a union man we are not given an opportunity to sail on those ships. I did not want to bring that question in, because I do not believe that the seamen's act has anything to do with the seamen's organization. The seamen's act was passed primarily for the purpose of saving lives and presumably property at sea, but especially lives. The seamen's union is interested in the saving of life.

Mr. GAHN. How many lives have been saved on the Great Lakes by this act you are talking about?

Mr. O'BRIEN. I could not tell you that.

Mr. GAHN. Has it saved any?

Mr. O'BRIEN. I do not know.

Mr. FREE. What conditions do you complain of most?

Mr. O'BRIEN. Living conditions.

Mr. FREE. A moment ago you said there was a turnover of 700 per cent owing to the conditions. What conditions?

Mr. O'BRIEN. The law specifically says that watch and watch shall be shipping at sea. We are told that we are capable of forcing any condition that we want. On board the Lake Carriers' Association ships the conditions are exactly reversed. The deck hands work all day at sea and are watch and watch when they come into port. That is one reason why the deck hand or the ordinary seaman does not remain on ships. Another thing is that there has never been one penny paid to these men in cases of fines in the seamen's law,

where the law says that shall work, because of the fact that they are up against the greatest combination of capital that the world has ever known—the United States Steel Corporation. They have no chance. They are there, and if they say anything they are told to hit the dock, and young Americans are young Americans, and they stand up for their rights when they can, and they try to stand for them whenever they know they are going to be deprived of the opportunity to earn a livelihood. That is the reason you have the turnover. They are herded into two assembly rooms, so-called, for the purpose of shipping. You must give a dollar to the shipmaster inside the assembly room, and therein you get a card from them stating that you are so and so, if you are an able seaman, a certificate, and the dollar goes to the Lake Carriers' Association. I do not recall about the amount of money, but I do know that the Shipping Board issued orders that that thing should cease, and the Shipping Board orders were not recognized.

Mr. FREE. What did that dollar go for? What did they use it for?

Mr. O'BRIEN. I do not know what they used it for.

Mr. CHINDBLOM. Who got it?

Mr. O'BRIEN. The Ship Owners' Association.

Mr. SCOTT. You are speaking of the Steel Trust? The Steel Trust is not urging my bill.

Mr. O'BRIEN. But your bill applies to the Steel Trust.

Mr. SCOTT. No.

Mr. O'BRIEN. No, sir; it does. Does this bill mean only passenger boats?

Mr. SCOTT. It means only the passenger-boat service.

Mr. O'BRIEN. I can not recall what it is meant for; I only know what it will do. I know what this bill means to us.

Mr. SCOTT. That helps to increase the traffic on the Great Lakes where it has been going down ever since this law was passed. I do not care whether it helps the trust or not. I want it to help my people.

The statement is made in order to get the record clear that the La Follette Seamen's Act became operative in March, 1915.

Mr. O'BRIEN. I think you will find that the bill became effective in November, 1915.

Mr. BRIGGS. Eight months after its passage, March 4, 1916.

Mr. HARDY. Is it true that tonnage on the Great Lakes has been decreasing ever since 1915?

Mr. O'BRIEN. The tonnage on the Great Lakes has decreased a great deal.

Mr. HARDY. Has increased or decreased?

Mr. O'BRIEN. Increased, but the number of ships have decreased.

Mr. HARDY. How about the tonnage they have been carrying; have they lost ever since 1915 on these lakes every year? I do not know; I am just asking for accurate information.

Mr. O'BRIEN. To show you how much the passenger boats have been affected, I am going to read a question that I asked of Mr. Thorp in the last hearing on a bill similar to this one introduced by Mr. Scott:

Mr. O'BRIEN. Is it not a fact that last season you had the best season you ever had in the history of the Lakes, which is an admitted fact by Mr. Leckie

and by the vessel owners on the Great Lakes, that last season was the best season financially—that is, the season of 1919—that they have ever had in the history of the Great Lakes?

Mr. THORP. What is the point about that?

Mr. O'BRIEN. The point is everybody had a lot of business and made a lot of money, and the point was raised here we were putting them out of business.

Mr. THORP. We had an exceptional season of weather, Mr. O'Brien; weather we have never had before in 20 years.

I do not know whether the question or point was that the weather last year was not as good as the weather in 1919, but it certainly was not because of the seamen's act that the business was dropping off.

Mr. HARDY. Do I understand from that that the year 1919 was an exceptionally good year for your company on the Lakes?

Mr. O'BRIEN. Admittedly the best in the history of the passenger boat association, by the passenger boat owners themselves following that conference with us.

Mr. HARDY. Is that quotation before this committee that you are reading from? What is that?

Mr. O'BRIEN. I am reading from the hearings on the Scott bill.

Mr. HARDY. Before this committee?

Mr. O'BRIEN. Before the subcommittee of 1920, and that is Mr. Thorp's answer. Now, I was surprised to hear that after he had made a statement such as that the the seamen's bill was responsible for the destruction of the business on the Lakes; in fact, gentlemen, as I said there, I was wondering what the seamen's bill had not destroyed.

Mr. FREE. Is it a fact, in your judgment, that on this particular run, where the extra men are carried, that really has nothing to do with it?

Mr. O'BRIEN. I have never been on any ship that I was given any time outside of my watch below. In fact, prior to the passage of this bill I was not even sure of my watch below. I will give you an instance. Talk about the weather conditions on the Great Lakes. Outside of Milwaukee, in 1919—this is Lake Michigan, supposedly the most placid lake on the chain of Lakes—I was on board of one of Mr. Davidson's ships, who testified here yesterday—the *Rappahannock*—and I went below. I was on deck from 12 o'clock that night to 6 o'clock in the morning, and I had gone below and had my breakfast and had just turned in when it started to snow. We turned around because of the fact that we could not find the harbor because of the snow. You could not see far enough to discover the entrance to the harbor. The consequence was that we had to face the sea and fight it. This is the question before the shipowners. No matter how good your ships may be, the fact remains that when you have got to fight the sea you must have knowledge as to how to fight it.

We had to turn around and had a barge with 6,000 tons of ore astern of us. It is true that after we had turned around a couple of hours later we could have let go of the barge and let the people in the barge drown and get into Milwaukee ourselves, because the weather cleared up, but as the weather cleared the wind and sea increased until it was so great that we could not risk turning around the ship in the trough of the sea or her seams would have opened and filled with water and we would have gone down. So the question with us was to keep her head into the sea, as well as to hold the

barge, with her 11 people on board, up to the sea also. The barge was loaded down to the decks. The sea made one complete roll, just the same as this table right across it. There was nothing to break it except one solitary rail, a little heavier than this long timber. The result was that we fought the sea in that ship for 12 hours that day. I was on deck practically from 12 o'clock, and was on deck all of that time until 6 o'clock in the evening; and, by the way, I wished that Mr. Davidson had remained, because the captain of that ship was his cousin and the mate on that ship was his cousin. Unfortunately, the mate is now dead, having drowned two or three years ago along the placid waters of the Great Lakes. His ship went down at the same time and he went down with it and his son also. At 6 o'clock in the evening the captain called me to him and he said go back and tell the engineer that we are going to try to turn around. The firemen at that time were working in that ship four on and eight off. There were three firemen on it, but the deck hands and ordinary seamen at that time were working, coal passing, and on deck, and vice versa. When they came into port the deck hands worked as coal passers. They worked them all the time, and there was no question of how and when they could work them.

There was nothing said in the law about those men. They worked them until they dropped, and when they dropped they got new men if conditions were such as to get the men; if men wanted to get passage from one port to another, they earned wages sufficient by saving their passage money. The ordinary seamen did not last long on these jobs. The three coal passers were down with the three firemen getting steam up on the ship. There is 5 feet of water in the hold and eventually she managed to turn around, and when we got into dock or into Milwaukee the barge just got into the river, when she went down with the people that were on it. Of course, the river is shallow and the barge struck the bottom before her decks were submerged. The consequence was that nobody was drowned. But on board of that ship that I am speaking about there were qualified men who knew their business, and who, when the time came for the emergency, were there to stand up without any officer chasing them, because the men were standing up, and the captain said, "I want to give credit to the men here." I was on top of the pilot house from 12 o'clock at night until 10.30 o'clock the following morning, when the deck started to freeze over. That was on the 22d day of November, 1909. We got into Milwaukee at half past 10 that night, and it was my watch again at 12 o'clock, so I had a 30-hour trick to stand on deck. Of course, I had no right to say, "Well, I have been working so long; I have had so much time, can I not go to sleep?" There were no men, as I heard the captain say, that were capable of taking my place, no men to sound the ship, and to see that the pumps were running, because we were liable to go down even inside that harbor.

I point these things out to show you the qualifications that are necessary for men when it comes to saving life at sea. We do not know what emergency might arise at any moment. Nobody ever dreamed that the *Eastland* would capsize in the Chicago River. She did. Nobody ever thought of it. Nobody ever thought that within 4 miles of the Canadian shore the *Empress of Ireland* would sink

and so many lives be lost. But these accidents occurred and people are drowned, and I think that it is to everybody's advantage to see that laws are made and kept that will prevent any possibility of the recurrence of disasters we have had in the past.

To go back to the *Slocum*, the *Slocum* disaster in New York Harbor, where 900 people were drowned, and the conditions in New York Harbor are not in any way comparable when it comes to the question of the weather on Saginaw Bay, which is known as the graveyard of the Lakes. In New York Harbor the water is placid. There is every opportunity there for the beaching of boats.

Mr. SCOTT. The *Slocum* burned up.

Mr. O'BRIEN. I know she did. Other boats will burn the same as the *Slocum*. The possibilities for these disasters remain. Why then should we seek to remove the possibilities of saving life on board the ship by putting into this bill the proviso that the skilled men may be taken off and replaced by unskilled men?

Mr. SCOTT. Will you name one passenger boat in the history of the United States that has ever gone down in Saginaw Bay?

Mr. O'BRIEN. I do not know.

Mr. SCOTT. You know you don't because there never has been.

Mr. O'BRIEN. I do not know.

Mr. SCOTT. I am telling you I do know. You do not know; that is the unfortunate thing.

Mr. O'BRIEN. There is a possibility that there might be a boat go down; boats have sunk there.

Mr. SCOTT. You mention two of them that sunk, and a boat that you mentioned, the *Bradley*, was 40 years old.

Mr. O'BRIEN. Yes.

Mr. SCOTT. An old wooden tub, carrying 100 per cent life-saving appliances at the time she went down, lifeboats and rafts, etc. And Saginaw Bay is not the only place called a sailors' graveyard. Nearly every harbor on the Great Lakes somebody calls that.

Mr. O'BRIEN. Oh, no. I am not trying to tell the Congressmen anything that is not so.

Mr. SCOTT. I do not think you are.

Mr. O'BRIEN. If there is anything that could in any way flavor my testimony that was not true, I would be the first to move to strike it out.

I do not know that I stated that I am not any longer an officer of the organization. I am a sailor and I am interested directly in this saving of life.

Mr. SCOTT. Do you mean to say the weather is any worse on the 16th day of September than on the 15th?

Mr. O'BRIEN. I would not say it is anything better.

Mr. SCOTT. Is it any worse?

Mr. O'BRIEN. It might be.

Mr. SCOTT. The only storm you have told about was in June that was a real storm.

Mr. O'BRIEN. I have told you about October. You are talking about going into October, removing the whole of the thing and having the thing run to the end of the navigation season. In September, 1913, in one night there were 250 lives lost in and about Saginaw Bay, when one of these ships was lost. It was a great big

ship, very cold, turned completely over, and the air inside the chambers of the ship did not have opportunity to escape, and the steamships floated bottom up on the chain of lakes.

Mr. SCOTT. How much life equipment did they have?

Mr. O'BRIEN. I can not recall the life equipment. I am talking about the possibility of storms. I am trying to answer you about weather conditions.

Mr. SCOTT. I hope your statement with respect to that will be more accurate than the balance of that testimony.

Mr. O'BRIEN. I will give you the name of the ship.

Mr. SCOTT. Because the accident did not occur on Saginaw Bay. It occurred about 18 miles from Saginaw Bay, and it was almost a tidal wave that came along; an unusual experience—never happened before or since. We have had but one Galveston storm, and if they had 400,000 lifeboats they would not have saved the passengers, any more than under the seamen's act.

One thing you have harped on in connection with shipping on the Great Lakes. A ship tipped over on the locks at the river. It would not have made any difference what equipment they had on.

Mr. FREE. Do I understand you are opposing the lengthening of the season?

Mr. O'BRIEN. I am opposing the lengthening of the season; yes, sir. I am opposing it on the ground that the weather conditions and other conditions are not such as have been described here. When I went into the weather condition in November it was immediately after I had stated that Congressmen Scott contemplated putting in an amendment to the present bill that would mean carrying on to the end of the season with the same lifeboat equipment as for the summer months. That is the reason I went into November. The reason that I said that was because of the fact, as I said when I was speaking of the loss of life on that night, that it was in and about Saginaw Bay. It was near the Point au Berques that the *Price* was turned over, and the air did not escape, so that she floated bottom up for days. The Point au Berques is one point as you come to Saginaw and Thunder Bay Island is the other.

Mr. SCOTT. No; you come up to the islands there.

Mr. O'BRIEN. I am talking about the bay. Saginaw Bay is bounded at its extreme ends by Point au Berques and Thunder Bay Island. That is, the bay.

Mr. SCOTT. Of course, you are only 75, almost 80, miles off there; that is all. Thunder Bay Island, the south point, where you go into Saginaw Bay, is Point au Berques. But the north point that you go into Saginaw Bay is a small point—I do not recall the name—south of Tewes.

Mr. O'BRIEN. South of Au Sable.

Mr. SCOTT. And Thunder Bay Point is away up the lake. The *Price* that you spoke about sunk 11 miles off of Port Huron.

Mr. O'BRIEN. That is where she sunk. The lake runs down and the current carries things along, and it is only 75 miles from Port Huron to Point aux Barques, and 60 miles to Harbor Beach or Sand Beach.

Mr. SCOTT. Do you think it humanly possible—you have attempted to qualify as an expert operator—do you think it is humanly possible——

Mr. O'BRIEN (interposing). I have qualified as an expert operator?

Mr. SCOTT. I imagine that you would be a pretty good seaman.

Mr. O'BRIEN. I am. I am not egotistical in saying so.

Mr. SCOTT. That is all right. A man without confidence in himself can not expect others to have confidence in him. Do you think it is humanly possible to place on the statute books a law which will entirely prevent the loss of life on the Great Lakes that will not entirely eliminate every ounce of navigation on the Great Lakes?

Mr. O'BRIEN. I do not believe that it would be possible to make any law that would eliminate. I am stating that, and you will note that whenever there is any doubt in my mind of anything I have to say I hesitate to express it.

Mr. SCOTT. Let me call your attention to this fact: Do you also know that on the night which you mention that the *Price* went down that the *City of Alpena*, one of the ships that we are trying to get this legislation enacted for, to relieve the situation, the *City of Alpena* made the port at Port Huron coming down the Lakes on that identical night?

Mr. O'BRIEN. That is possible.

Mr. SCOTT. It is not only possible; it is a fact.

Mr. O'BRIEN. She may have made Port Huron, and may have been close to Port Huron before that storm started. I have sailed both places and I know the kind of weather.

Mr. SCOTT. So do I. How long did you sail the Lakes?

Mr. O'BRIEN. I have been on the Lakes about 15 years.

Mr. SCOTT. Did you sail all the time?

Mr. O'BRIEN. With the exception of the time that I have been with the organization.

Mr. SCOTT. You ought to have a fair knowledge of it, and as I have lived up there 43 years, all my life, on the Lakes, I ought to have a fair knowledge of it.

Mr. O'BRIEN. Is it not a fact that there are men who have lived 60 years in Alpena that do not know conditions on the Lakes?

Mr. SCOTT. I would not say that. I will almost take an affidavit that there are not 100 people in the city of Alpena who have not traveled up and down the Lakes, because for years, until 1885, it was the only means of getting out there; they did not have any railroads.

Mr. GAHN. You testified this morning that the bulk of the passengers on the Great Lakes are carried from Decoration Day to Labor Day.

Mr. O'BRIEN. I did, sir.

Mr. GAHN. What percentage of passengers are carried between those times?

Mr. O'BRIEN. That is the time that most of the boats are operated.

Mr. GAHN. I understand that the present law gives that time between May 15 and September 15.

Mr. O'BRIEN. Yes, sir.

Mr. GAHN. By making in the present law a limit from Decoration Day to Labor Day instead of 15 days before and after.

Mr. O'BRIEN. That was the thing that puzzled me: Why they did not take advantage of that 30 days and running the ships in that

time, and coming here and asking a further increase of time? Why do not the ships that are limiting themselves to running from Decoration Day to Labor Day take advantage of the law and run them from the 15th of May to the 15th of September?

Mr. SCOTT. Do you want to know really on this record? The reason they do not take advantage of the 15 days in the summer and in the fall is this: That they have to equip their ships and have to make money while they run them, and the time they do run them is when the schools are out and traffic is congested going to the summer resorts.

Mr. O'BRIEN. Then, it is not because of the restrictions of the seamen's bill?

Mr. SCOTT. It is because of the restrictions of the seamen's bill, because if they could start on the 1st of April and haul a reasonable number of passengers in comparison with their actual hauling capacity, together with the freight they would get, they would do what they have done for 30 years before you fellows put this law on the books.

Mr. O'BRIEN. Just let me answer.

Mr. SCOTT. You can not answer it.

Mr. HARDY. Let him try.

Mr. SCOTT. I will be glad to have him try.

Mr. O'BRIEN. I do not suppose I will be able to answer you satisfactorily, but I will try to. The seamen, or, rather the vessel owner, has, according to the seamen's act, the right to run his ship from the 15th day of May to the 15th day of September. The shipowners do not take advantage of that. They have all kinds of time to put their ships into a state whereby they could run them from the 1st of April to the 15th day of May. They do not take advantage of the opportunity to do that. Why, I do not know. Why do they not take advantage of that time given them by the seamen's act, and take advantage of all of those passengers that have been described here, who could not get opportunity to get aboard of the ships instead of coming here and asking for a further increase in the time? I could understand their coming here if they had not been doing that—not running their ships from the 15th of May to the 15th of September—but seeing that they have acted voluntarily in cutting off their runs a month themselves, I am at a loss to see why they are coming here and asking for an extension of time.

Mr. GAHN. That is only on large passenger boats.

Mr. O'BRIEN. No, sir; I am speaking of passenger boats used at Buffalo that run to Crystal Beach. I sailed a whole season on them. They started on the 30th—Decoration Day—and wound up on Labor Day, immediately after Labor Day. That was one boat. The other boats might go out two or three days ahead of Decoration Day.

Mr. GAHN. I do not know why the boats do not run. It seems to me the testimony has been to the effect that some of them desire to run. What is bothering me and, I think, the minds of most of the committee, is why is it more dangerous to operate a boat May 1 than May 15, and why is it more dangerous to operate October 15 than September 15 on the Great Lakes?

Mr. O'BRIEN. In operating ships with passengers, and you have 50 per cent of appliances that will enable the passengers to go

ashore and swim ashore; that is, from the 15th of May to the 15th of September. On the 1st of May the water is not as warm. I described why they did not run their ships on Lake Erie, where the water is much warmer than on Lake Huron.

Mr. GAHN. I am talking about the danger.

Mr. O'BRIEN. If the people have to jump into cold water they will die in the water, while in the summertime they might be able to live longer in the water, until some ship may come along and pick them up.

Mr. GAHN. I live on Lake Erie. Tell me why it is warmer to jump into the water May 15 than May 1.

Mr. O'BRIEN. In the first place, the sun has much greater opportunity to shed its rays on the water for a longer period on May 15 than on May 1, and, besides, the sun has been up North for 15 days longer.

Mr. GAHN. We go by the health orders in Cleveland, and I am not sure of the exact date, but they do not open the bathing beaches until some time in July and will not allow anybody to bathe until July.

Mr. O'BRIEN. There may be a reason for that.

Mr. GAHN. It is coldness, I presume. It does not really get warmer until the month of July.

Mr. O'BRIEN. In Lake Erie in the spring the water is cold up to the time of the extra men.

Mr. HARDY. It is cold early in the spring and gets warm gradually.

Mr. O'BRIEN. The lake gets froze over.

Mr. GAHN. As I get you, the only reason there for safety is that if the boat does go down prior to September 15 the people will lose their lives because of the chilliness of the water, and that alone?

Mr. O'BRIEN. That is one reason.

Mr. GAHN. What is another reason?

Mr. O'BRIEN. According to this bill, you are going to deprive the people from getting into the boats they have by putting on the Lakes unqualified men, unskilled men to put them into those boats.

Mr. HARDY. I think I can shorten the investigation on that. The committee fixed those dates arbitrarily because they had to fix some dates. They believed that by the 15th of May the water was not so excessively cold as to make it almost death to get into it. They believed also that September 15 was about the right time to stop, and they thought that by that time the weather conditions from storm and water conditions from cold necessitated some limitations.

Mr. GAHN. An arbitrary date?

Mr. HARDY. We could not fix anything but an arbitrary date.

Mr. GAHN. So far as the stormy season on the Great Lakes is concerned, starting ahead two weeks and extending the time in the autumn has nothing to do with safety of passengers.

Mr. O'BRIEN. Yes, sir; I think that makes the thickness of the ice there.

Mr. GAHN. I am talking about storms.

Mr. O'BRIEN. Ice knocks holes in vessels, and boats may go down just as easily with a hole from ice as from a rock. The *Eva Ward* went down. I was on the old *Arizona* that left Buffalo on the 27th of April and went to Port Coburn with a hole in her boiler, steam escap-

ing. We had to fight our way through the ice at Buffalo to get out. Those are facts, actual conditions on the Lakes. The *Eve Ward* was going through.

Mr. SCOTT. Were you on a wooden vessel?

Mr. O'BRIEN. Yes; I was.

Mr. SCOTT. Sure.

Mr. O'BRIEN. I will give you a steel vessel, the steamer *Aurania*, on which I was at that time in 1909, near Whitefish Point, where it was crushed by ice and sunk in the latter part of April or the 1st of May.

Mr. SCOTT. In Lake Superior?

Mr. O'BRIEN. Yes, sir; and I am giving the ice conditions. The ice came along, and this was a steel ship, and crushed in the sides of the ship, and they had only time to crowd the boats and struggle across the ice with the boats to some other ships caught in the ice also. That was what saved them or they would have been drowned.

Mr. SCOTT. Any lives lost?

Mr. O'BRIEN. No, sir; they were all seamen on there mostly.

Mr. SCOTT. When was that?

Mr. O'BRIEN. In 1909.

Mr. SCOTT. Before you had any law at all?

Mr. O'BRIEN. We had all salt water men there and on salt water the fellows were from countries where there were requirements.

Mr. SCOTT. No laws there?

Mr. O'BRIEN. Laws in other countries.

Mr. SCOTT. What kind of ship—Canadian ship?

Mr. O'BRIEN. American ship.

Mr. SCOTT. Under the United States flag?

Mr. O'BRIEN. Yes, sir; American citizen.

Mr. SCOTT. In 1909 the La Follette Act was not passed?

Mr. O'BRIEN. I know it was not.

Mr. DAVIS. I understand he was replying to a question about weather conditions.

Mr. SCOTT. You do not think that anyone is disputing the fact that in April it is colder in Lake Superior, 1,000 miles north of Buffalo, than in the middle of July?

Mr. DAVIS. I would not think that it was disputed, but some questions were asked the witness that indicated it was questioned.

Mr. O'BRIEN. I gave an instance at Buffalo on the 27th of April. That was the time the ice was so dense the *Arizona* had to battle her way through on the 27th of April, 1910, on Lake Erie.

Mr. FREE. Is there much difference in the ice conditions on the Lakes farther north than it is farther south during May?

Mr. O'BRIEN. There is some difference. I do not know whether it is true or not, but they do say that the ice sinks in Lake Superior. I do know that the water in Lake Superior in the middle of July is as cool as any ice water you can get out of any cooler. I have been overboard in Lake Superior and the shock was so violent that even inured as I was at that time to the weather conditions I could hardly speak for half an hour.

Mr. CHINDBLOM. At Marquette, Mich., the water was so cold in July and August that it was too cold for anyone to go in bathing.

Mr. SCOTT. There is no passenger service on Lake Superior earlier than May?

Mr. O'BRIEN. No; there is not, but there is passenger service in July. The boats I was telling you about go through Lake Superior. They have to be taken in the spring when it comes to the question of taking off life-saving appliances, and they carry numerous passengers from Duluth.

Mr. SCOTT. Do you think anybody could survive very long in water of Lake Superior even in midsummer?

Mr. O'BRIEN. A remarkable case happened. To show you how fair I am, I am going to tell you this case. Two years ago, the captain of the steamer *Myron* was coming in with his vessel and trying to make the Soo. The weather conditions were very bad, so he tried to get under Whitefish Point in shelter, 40 miles from the Soo. He could not make it. The vessel started to go down from under him and did go down. He was inside of the pilot house; the whole deck, the pilot house, and he were taken completely off the ship. Everybody went except him. He lasted close to 24 hours. That is a most exceptional case of any that I have ever read in any kind of cold water. He must have been an exceptional man.

Mr. CHINDBLOM. What time of the year?

Mr. O'BRIEN. The last of November.

Mr. SCOTT. What year?

Mr. O'BRIEN. 1919.

Mr. CHINDBLOM. That was right under Grand Island; milder weather.

Mr. O'BRIEN. Coming close to Whitefish Point.

Mr. CHINDBLOM. It is a little milder than the wide expanse of Lake Superior.

The CHAIRMAN. We will meet to-morrow morning at 10 o'clock.

(Thereupon the committee adjourned to meet at 10 o'clock a. m., Thursday, May 5, 1921.)

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Thursday May 5, 1921.

The committee met at 10 o'clock a. m., Hon. William Greene (chairman) presiding.

The CHAIRMAN. You may proceed, Mr. O'Brien.

STATEMENT OF MR. PATRICK O'BRIEN—Resumed.

Mr. O'BRIEN. I would like to insert into the record this report on seamanship, skill, and efficiency adopted by the seaman's convention for the purpose of trying to educate the membership of the organization and to bring about that efficiency necessary for competition with foreign vessel owners.

Mr. SCOTT. How many pages is that?

Mr. O'BRIEN. Only a couple of pages, that is all.

Mr. CHINDBLOM. What is the date of it?

Mr. O'BRIEN. It was adopted in January, 1921.

Mr. BRIGGS. Is that the report to which you referred yesterday?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. That the chairman said he had not received?

Mr. O'BRIEN. Yes, sir.

Mr. EDMONDS. No; that is not the report. This is in answer to a question as to what they had done toward educating the seamen. The report referred to yesterday was sent to all the old members of the committee, but not to the new members.

The CHAIRMAN. There is no objection.

(The report submitted by Mr. O'Brien is as follows:)

REPORT OF THE COMMITTEE ON POLICIES AND EDUCATION, INTERNATIONAL SEAMEN'S UNION OF AMERICA, ON SEAMANSHIP, SKILL, AND EFFICIENCY IN THE AMERICAN MERCHANT MARINE.

[Adopted at the twenty-fourth annual convention, Philadelphia, Pa., Jan. 10-20, 1921.]

To the officers and members of district unions, International Seamen's Union of America, greeting:

All officers and members are urged to give their most earnest cooperation in the work of making effective the plans of the International Seamen's Union of America to improve the standards of seamanship and skill in the American merchant marine, as provided for in the report of the committee on policies and education which was adopted by a unanimous vote at the Philadelphia convention as follows:

REPORT OF COMMITTEE ON POLICIES AND EDUCATION.

The opening sections of the report of President Furuseth, which were referred to your committee on policies and education, are a statement of the general purposes and aims of our international union, as understood and agreed to by the general membership from the very birth of our organization and expressed in the actions of many conventions, in the constitutions and organization laws under which the district unions operate, and in the records of the meetings where the members voice their opinions and cast their votes.

The desire for freedom and—freedom having been attained—the purpose to make the highest and best use of our liberties is the keynote.

The seaman's calling is an honorable one and is entitled to be again recognized as one of the world's most honored of professions. It calls for unfaltering courage and virile manhood. It is no place for cowards and shirkers. For a time it suffered degradation and even shame, and press, pulpit, and author seemed to join in a combined sneer at the men who carry the world's commerce over the waters of the deep, but the real spirit of seamanship, with its stern code that demands willing sacrifice, undaunted courage, ready initiative, and a high order of intelligence, has survived all attacks and through our international union is now finding a new and revived expression of itself. The goal of freedom has been attained. The degradation of bondage has been wiped out. The law has performed its function, except in so far as it has not yet been properly enforced by the Government.

It now becomes our duty to make the fullest use of the opportunities created by the restoration of our rights as citizens in such manner as may be best calculated to make good the promise we made to ourselves, as stated by President Furuseth, that our calling shall again take its proper place as one of the most honored professions among men, and that men shall so recognize it.

Your committee is in full accord with the report of President Furuseth on this subject and herewith presents for the consideration of the convention the following recommendations for specific action in relation thereto:

SEAMANSHIP AND SKILL.

It may be well at the outset for the delegates to recall the manner in which the committee on policies and education was brought into existence at this convention. The decision to appoint such a committee was reached after very considerable discussion in the committee of the whole, during which the general subject of seamanship and skill was given much attention. The resolution proposing the appointment of a committee was adopted by the committee of the whole, reported to the convention, and there approved.

Your attention is respectfully called to the following section of President Furuseth's report:

"We promised ourselves that we would work for the maintenance and development of skill in seamanship, and we should, on shore as well as on board vessels, do our best in developing such a standard of skill that the vessels need not go to the repair shops except for general overhauling or to repair damages arising from accidents."

Your committee is of the opinion that the time has now arrived when we can and must make good the promise that skilled seamanship, especially among the members of our international union, shall be developed to the fullest possible extent. The recent development of the American merchant marine, the tremendous increase in the number of its ships, and the quick growth of its personnel has created a condition which renders immediate action essential. The life of any industry depends upon its power to meet competition.

The passage of the seamen's act established the means through which the cost of operation, as between American and foreign vessels, has been equalized in that, with the proper enforcement of that law, the cost of operation of foreign vessels automatically rises to the American level. It was not until our international union had itself worked out the solution of the operating cost problem and had carried on a vigorous campaign for the enactment of the laws necessary to solve the problem that a national understanding of the subject was aroused. The cost of operation having been equalized, or where the equalization has not already taken place, made easily possible if the law be enforced, a decided advantage can be given to the American merchant marine and to American seamen through the quick development of a high order of skilled seamanship and efficiency. The sudden increase in the number of ships and the number of seamen resulting from the war has intensified the need for some systematic method by which skill and efficiency of American sea labor can be quickly and effectively improved.

It is not likely that any agency other than the International Seamen's Union of America will offer any practical means whereby this can be done. We ourselves must formulate the plans and put them into operation, or, failing to do so, it is we who must suffer the consequences. The best that can be hoped for from others is that, after we have undertaken the task and proven our ability to cope with it, they may be persuaded to cooperate with us. We believe that prompt action is as necessary in the interests of the members of the organization as it is for the industry. We therefore present for the consideration and action of the convention the following recommendations on this subject:

RECOMMENDATIONS.

1. That the executive board be authorized and instructed to secure the services of a vocational expert or experts who shall, under the direction of the board, make a survey of the entire craft to ascertain its needs in respect to seamanship, general trade skill and efficiency, and to work out plans whereby the knowledge of seamanship in all degrees of skill necessary to the fullest development of all divisions of the craft may be transmitted to the members of all affiliated organizations.

2. The plan must include arrangements whereby the members of the union shall be given opportunities to improve their skill and efficiency in general rigging and repair work on board ship, in all departments.

3. The plan should include lectures on the development and purposes of the craft and its practices, to be accompanied by illustrations in the form of stereopticon views, maps, and, where necessary and possible, moving pictures in such manner as to be interesting as well as instructive.

4. Lectures and discussions should include information on the question of discipline on board ship, its theory and practice, needs and purposes.

5. Arrangements should be made for the compilation and circulation of printed matter, through which such information of seamanship, skill, and efficiency as may be presented in printed form, can be made accessible to the membership. It should be borne in mind that considerable work is involved in the compilation of this kind of information, which, to be of any real value, must be illustrated by drawings, maps, and pictures.

6. Technical information on strains, leverages, weights, etc., involved in the use of ships' gear and equipment, should be transmitted to the membership.

7. It should be thoroughly understood that the initial work of this plan should have for its purpose the improvement of seamanship, skill, and effi-

ciency of the members of the union who have had some substantial service on board ship, and who have attained the positions of able seamen, firemen and oilers, cooks, etc., with a view of later so developing the system as to fit the needs of the beginners in the calling. The development in this respect will undoubtedly be very rapid once the plan is in operation.

8. In order that the executive board may be enabled to put into effect this plan, the affiliated unions shall immediately be called upon to furnish the sum of \$15,000, each district union to pay into such fund an amount proportionate to its treasury. The money thus contributed shall be placed in an account separate from the general fund of the international union and shall be used exclusively for the purpose of carrying out the plans herein outlined.

9. The executive board shall have authority to call upon the district unions for such additional contributions to the fund from time to time as may, in the judgment of the board, be necessary.

Committee on policies and education: Victor A. Olander, chairman, Sailors' Union of the Great Lakes; Oscar Carlson, Marine Firemen, Oilers, and Water Tenders' Union of the Atlantic and Gulf; Percy J. Pryor, Eastern and Gulf Sailors' Association; H. P. Griffin, Marine Cooks and Stewards' Union of the Atlantic; Thomas Conway, Marine Firemen, Oilers, and Water Tenders' Union of the Great Lakes; Patrick O'Brien, Sailors' Union of the Great Lakes; P. B. Gill, Sailors' Union of the Pacific; Ed. Rosenberg, Sailors' Union of the Pacific; W. H. Brown, Fishermen's Union of the Atlantic; G. H. Brown, Eastern and Gulf Sailors' Association.

Fraternally submitted.

ANDREW FURUSETH,

President International Seamen's Union of America.

Attest:

T. A. HANSON,

Secretary-Treasurer International Seamen's Union of America.

Mr. BRIGGS. I would like to ask the witness a few questions this morning. Had you finished, Mr. O'Brien?

Mr. O'BRIEN. With this exception: I want to correct a slight error in dates that I made yesterday, owing to the fact the questions were coming so rapidly. I said 1910 instead of 1911 in reference to the year I was on board the *Arizona*. It was in April in 1911, instead of 1910. I wish to make that correction. It does not affect the ice conditions at all, because it is the same month.

Mr. SCOTT. Yes.

Mr. O'BRIEN. And in regard to the question on the boundaries of Saginaw Bay, according to this chart——

Mr. CHINDBLOM. What do you mean by this chart?

Mr. O'BRIEN. The chart that has been submitted.

Mr. CHINDBLOM. What is it? Put it in the record.

Mr. O'BRIEN. It is the general chart of the northwestern lakes.

Mr. CHINDBLOM. Issued by the War Department?

Mr. O'BRIEN. I presume so. The point I want to make is this, that most of the evidence submitted here, or the testimony submitted, has been to get boat service to Alpena. Now, Alpena is across here, right on the east shore of Thunder Bay, on a line almost due north of Pointe aux Barques. That means that the points determining Saginaw Bay are practically from the Pointe aux Barques to Thunder Bay Island.

Mr. SCOTT. Now, you do not mean that. You and I are not going to quarrel about that; but you know that Thunder Bay Island is fully 75 or 80 miles north of Pointe Aux Barques, and the waters out of Saginaw Bay do not hit within 50 miles of it. Just south of Pointe Aux Barques are Charity Islands, which are right in the north entrance to Saginaw Bay. Now, they break all the seas that

come down through there from the north. The only sea you get is really a northeaster that sweeps into Saginaw Bay.

Mr. O'BRIEN. Don't you get the southeaster, too?

Mr. SCOTT. In Saginaw Bay?

Mr. O'BRIEN. If you come up here, then you run almost direct north [indicating].

Mr. CHINDBLOM. Now, when you say "come up here" and "this point here," that does not get into the record.

Mr. O'BRIEN. I mean South Point. If you run across from Pointe Aux Barques to Pointe Aux Sable, then you have a run directly north and you run a lee shore, and if anything happens to your vessel you are in more danger than if you are out here [indicating].

Mr. SCOTT. There is only one wind when they come up Lake Huron—that is, on the passenger ships—that is even discommoding or concerting or dangerous, according to its proportion and intensity. and that wind is a northeast wind. With a west wind, a southeast wind, a southwest wind, or a northwest wind you are protected by the lee of the land; you are in the lee of the land all the while. The boats follow the east coast and cut right across from this point to this point [indicating].

Mr. BRIGGS. To what are you referring; to Pointe Aux Barques and Charity Islands?

Mr. SCOTT. From Pointe Aux Barques to Pointe Aux Sable, which is about 28 miles, I should imagine. And then you are in the lee of the land all the way up. You do not leave the lee of the land at any point all the way up; you are never more than 10 miles from shore?

Mr. CULLEN. Are you sailing to leeward all the time?

Mr. SCOTT. Yes.

Mr. O'BRIEN. I will admit, and I will state it is perfectly true, that when you come south to Alpena you are in the lee of the land with a westerly and northwesterly or southwesterly or southerly wind; but when you are coming with a northerly wind, with a northeast wind or when the wind is an east-northeast wind or an east wind or an east-southwest wind you are bearing the whole brunt of that wind on that shore and would be likely to be driven ashore if you could not land if anything should happen and the vessel was near the beach. A captain is very glad if there is sufficient water between him and the shore, because then he is at the mercy of the elements and liable to be driven ashore.

Mr. CULLEN. He wants to be in deep water, of course?

Mr. O'BRIEN. Yes, sir; he wants to be in deep water. And the regular course of the vessel running across from Pointe Aux Barques to Alpena is not across the bay and then up along the land, because that means more fuel; it means a longer distance. You cut across right straight into Alpena. Now, in a northeastern wind you have the whole sweep of the widest part of Lake Huron right on you. Lake Huron at this particular point is wider than any lake of the chain of lakes, with the exception of Lake Superior. I stated yesterday that that was known as the graveyard of the Lakes, that particular point right there.

Mr. SCOTT. Saginaw Bay?

Mr. O'BRIEN. Yes, sir; Saginaw Bay. It is known as Saginaw Bay all the way across there.

Mr. SCOTT. And you stated the only accident that has happened there for a great many years. It used to be when the old sailing vessels were on, a very bad place.

Mr. O'BRIEN. Yes.

Mr. SCOTT. But in recent years, since we have gotten modern navigation, has it been in reality a graveyard?

Mr. O'BRIEN. No; but around Saginaw Bay, in 1913, some of the finest steel vessels on the chain of lakes were lost.

Mr. SCOTT. My dear fellow, you are absolutely wrong about that, and I think if you will examine the record you will find there was not a vessel sunk or a vessel foundered within 60 miles of Saginaw Bay. And in that particular instance, as a matter of fairness, it ought to appear on the record, in view of the fact the witness has spent so much time on it: it was in November, just at the opening of the deer season. How I happen to know, I was deer hunting, and we got some information about it. We had something that had never occurred before in the history of the Great Lakes. Whether it was a typhoon or whether it was a cyclone, that sometimes come down there, or what it was, nobody knows. But 20 vessels, within a radius of 3 or 4 miles of St. Clair River, just south of Port Huron, south of Lexington, got into this typhoon. But that is outside of Saginaw Bay.

Mr. O'BRIEN. Is it not a fact that on that night there were 22 vessels lost and there were 250 lives lost?

Mr. SCOTT. I do not remember the exact number; you may be right about that.

Mr. BRIGGS. What is your recollection of how many vessels were lost?

Mr. O'BRIEN. There were about 22 vessels and 250 lives lost that night. Now, in 1909, on Lake Erie—these typhoons occur pretty often on the Lakes—

Mr. SCOTT. All of these vessels that were lost on this particular occasion in 1913 were freight vessels, were they not? There was not a single passenger vessel in the bunch?

Mr. O'BRIEN. There were no passenger vessels, with the possible exception you stated.

Mr. SCOTT. Now, in view of the fact that these occurrences are not unusual on the Lakes, typhoons similar to that of November 9, 1913—that was the date this thing occurred; it was in November, 1913—in view of the fact you have just said that these occurrences are not unusual on the Great Lakes, I want you to tell this committee any other occasion of the same kind in the history of the Great Lakes. Name one.

Mr. O'BRIEN. I was going to do that.

Mr. SCOTT. I will be glad to hear it.

Mr. O'BRIEN. In 1909 there were over 150 lives lost in one night on Lake Erie.

Mr. BRIGGS. Instead of stating how many lives were lost, I wish you would state, for the benefit of the committee, how many boats were lost and give the names, if you can.

Mr. O'BRIEN. There were three boats lost that night on Lake Erie—three steel ships.

Mr. SCOTT. What were they?

Mr. O'BRIEN. One was a car ferry, one of the finest classes they have.

Mr. CULLEN. Of what length?

Mr. O'BRIEN. I could not exactly tell you.

Mr. CULLEN. One thousand, 1,500, 2,000, 2,500 tons, or what?

Mr. O'BRIEN. More than that. I was on one of those ships the year before, the *Richardson*. She went out of Buffalo——

Mr. BRIGGS. Now, just one minute. We are dealing now with the weather, the loss of boats, and storms. Let us get that without any deviation and give us the names of the vessels.

Mr. O'BRIEN. The *Richardson* was running down, trying to get into Buffalo. This was a southwester. She was a steel ship and carried about 5,500 tons. She tried to turn around, because they could not make Buffalo, because of the land I was telling you about——

Mr. BRIGGS. You described that in your testimony yesterday, did you not? Was that the one towing a barge?

Mr. O'BRIEN. No, sir; that was the *Rappahannock*. This *Richardson* was a modern steel ship.

Mr. BRIGGS. I am not much interested in all the details of the storm, but just the fact there was one.

Mr. O'BRIEN. The *Richardson*, this car ferry, went down that night with a loss of 50 lives or a little more. I am not exactly certain about that.

Mr. CHINDBLOM. At what time of the year?

Mr. O'BRIEN. That was on the 8th of December, 1909.

Mr. SCOTT. They were all freight boats, were they not?

Mr. O'BRIEN. Yes, sir.

Mr. JEFFERIS. Did these boats go down simply because of the storm and condition of the boats, or was there a lack of men?

Mr. O'BRIEN. It was a result of the weather, and I am trying to prove the lake conditions.

Mr. JEFFERIS. Was there any lack of seamen on board?

Mr. O'BRIEN. I do not think so.

Mr. CHINDBLOM. What you want to show is that there was a storm on Lake Erie in December, 1909?

Mr. O'BRIEN. What I want to show, sir, is that the conditions in 1913, in November—that the same weather conditions have been there for years and that ships have gone down, and not on one occasion only. That was the question Congressman Scott asked me. In 1905, on Lake Superior, particularly, and through the Lakes, we had another tremendous storm with great loss of life. I forget how many lives were lost then, but the men were frozen in the ventilators, where they took shelter; they were frozen to death.

Mr. CHINDBLOM. At what time of year did that occur?

Mr. O'BRIEN. I could not exactly tell you.

Mr. CHINDBLOM. Was it in the spring, summer, fall, or winter?

Mr. O'BRIEN. I could not tell you; I do not know.

Mr. EDMONDS. There is not any intention in this bill to regulate the weather?

Mr. O'BRIEN. No, sir.

Mr. EDMONDS. I do not see what interest it is whether there are storms up there.

Mr. BRIGGS. There was testimony here that there were no storms on the Lakes; no violent conditions up there; no necessity for extra lifeboats or anything of that character.

Mr. EDMONDS. We all know they have storms on the Lakes. I have been in one of those storms up there myself.

Mr. BRIGGS. And I was interested in learning, and so was Congressman Scott, whether there were any such things as that.

Mr. EDMONDS. I do not think any man denies there are storms on the Lakes, and just as bad as on the ocean.

Mr. SCOTT. They have periodic storms there; we have thunderstorms.

Mr. BRIGGS. Are these the only experiences you know of now, Mr. O'Brien?

Mr. O'BRIEN. That is all.

Mr. BRIGGS. In those various years?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. Have you had any other years when you had bad weather on the Lakes?

Mr. O'BRIEN. Yes, sir; we have very bad weather. I have come through the Straits of Mackinaw with the thermometer down to 8 below zero.

Mr. SCOTT. At what time of the year?

Mr. O'BRIEN. In December.

Mr. SCOTT. How late in December?

Mr. O'BRIEN. About the 4th of December.

Mr. SCOTT. Of course, my bill is not attempting to extend the season into December.

Mr. O'BRIEN. The reason I brought this thing up is because you told me you intended to extend it to the whole season.

Mr. SCOTT. No; I intend to ask the committee to extend it to some time in December, but that only applies to the passenger trade, and I am not attempting to touch on the freight business. Your testimony has been directed entirely to the freight transportation, except the comments you have made based on your one summer's experience on the *Tionesta*. The *Tionesta* is a long-haul ship. She is now the only ship of its character making the long haul from Buffalo to Duluth.

Mr. O'BRIEN. There are three ships.

Mr. SCOTT. I mean that fleet.

Mr. O'BRIEN. There are the *Tionesta*, the *Octarara*, and the *Juanita*.

Mr. SCOTT. Those three belong to the same company, and they are the only ships which make what we know as the long haul, which is comparable to an ocean voyage—that is, it takes four and a half days to make it. That is the longest trip on the Great Lakes; and the shortest trip on the ocean is six days, from New York to Brest.

Mr. O'BRIEN. I also spoke of the Crystal Beach boats. I was on the Crystal Beach boats also for one season.

Mr. BRIGGS. What boats are those?

Mr. O'BRIEN. Those are passenger boats that carry as many as 3,500 passengers.

Mr. SCOTT. They do not carry any freight at all; they are passenger boats you are talking about?

Mr. O'BRIEN. I am. You were objecting to my talking about freight boats.

Mr. BRIGGS. On what boat did you sail?

Mr. O'BRIEN. I sailed on the *Americana*.

Mr. SCOTT. My bill does not affect the Crystal Beach boats, running from Buffalo to Crystal Beach. They are excursion boats, and only run in the summer time.

Mr. O'BRIEN. Isn't the objection to Buffalo because they could not run the boats?

Mr. SCOTT. Yes; but the excursion boats that run in the summer are not interested in my bill, only as far as extending the season. It is only where they have a run of less than 16 hours that they are affected by this bill, with reference to the crew they shall carry. Outside of that they are not interested at all in my amendment.

Mr. O'BRIEN. The three passenger boats that run to Duluth, are they not going to be affected by your bill?

Mr. SCOTT. Only in so far as they are allowed to use certificated lifeboat men.

Mr. O'BRIEN. Is not that something?

Mr. SCOTT. Yes; I will admit it is something, but it is not vital at all.

Mr. O'BRIEN. It isn't—to take away the skilled men and to take, instead, unskilled men.

Mr. SCOTT. That is farthest from my purpose. And I want to say to you that we had skilled men and we had better men before the law went into effect than we have had since, and we certainly had more service than we have had since. That is really my purpose.

Mr. BRIGGS. You have stated all you wanted to about the weather conditions?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. And I think Congressman Edmonds says everybody knows we have storms on the Great Lakes like everywhere else.

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. I want to ask you if you have read the proposed measure of Congressman Scott?

Mr. O'BRIEN. I have, sir.

Mr. BRIGGS. Have you read it carefully?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. I wish you would state to the committee what you understand that bill will do with reference to the changes it will effect.

Mr. O'BRIEN. It will affect——

Mr. BRIGGS. Just take the different sections and show what changes it will make in the existing conditions.

Mr. O'BRIEN. I am not going to take up section 2 for this reason: I am a sailor and am not as familiar with the engineering room department—and that is the part that will affect—as Mr. Conway, and he will take that up.

Mr. BRIGGS. All right. Pass on to the next change.

Mr. O'BRIEN. I am deeply interested in the proviso on page 4, to section 13—

Provided, That on the Great Lakes and their connecting waters certificated lifeboat men may be used in lieu of able seamen.

That is the part that I am very deeply interested in and wish emphatically to protest against the passage of.

Mr. BRIGGS. I understand that you make a protest against it; what I am talking about is the changes this bill effects.

Mr. O'BRIEN. That bill will mean, instead of having able seamen on the ships, who will have to serve and have served a certain time, three years on the ocean and but 18 months sailing on the Lakes, that that requirement will not be there and that men without any service at all will be hired to do the work of the skilled men in that respect.

Mr. BRIGGS. You covered that situation pretty well yesterday in your testimony?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. What I want to ask you is, does this proviso apply alike to freight boats and passenger steamers—steamers carrying package freight and steamers carrying passengers?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. It applies to all?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. There is no distinction?

Mr. O'BRIEN. No distinction.

Mr. BRIGGS. Is it limited to Lake Michigan at all?

Mr. O'BRIEN. No, sir.

Mr. BRIGGS. It applies to all the Lakes?

Mr. O'BRIEN. It applies to all the Lakes.

Mr. BRIGGS. Is it limited to any season?

Mr. O'BRIEN. No, sir.

Mr. BRIGGS. Does it apply on the ocean or just on the Lakes?

Mr. O'BRIEN. That proviso is for the Lakes alone.

Mr. BRIGGS. All right; pass on to your next proposition.

Mr. O'BRIEN. This will be taken up by others.

Mr. BRIGGS. That part you are particularly interested in is the substitution of certificated lifeboat men for the able seamen?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. That is the chief provision?

Mr. O'BRIEN. Yes, sir; and the extension of time.

Mr. BRIGGS. Now, you have testified a great deal about the conditions that obtain on the Lakes, and I want to know if you feel that you are able to give this committee any information concerning whether the operation of the seamen's law is responsible for the condition to which reference has been made here by the various witnesses who have already testified and whose testimony you have heard? You have heard, for instance, from as many of the witnesses as the committee has, that many of these boat lines have had to give up operation by reason of the requirements of the seamen's act, particularly with reference to the requirement that additional members of the crew should be carried for whom there is absolutely no need on these vessels, and that it just makes an added expense which prevents the boat from continuing in service and giving to the public the service which otherwise might be furnished. I do not know that they said they otherwise would furnish it, but at least it is claimed here it is a contributing factor or consequence. I wish you would give your idea about what is the cause for that, whether it is affected by the seamen's act or whether it is not, or what causes are responsible.

Mr. O'BRIEN. I do not believe the seamen's act has in any way affected the running of the ships in the manner described in the testimony.

Mr. BRIGGS. What is your idea about it? I am asking you for your idea.

Mr. O'BRIEN. The seamen's act has only insisted upon men being upon the ships with a certain amount of skill; that is, a certain amount of service.

Mr. BRIGGS. Without too much argument about it, are you acquainted with the conditions with reference to the package-freight steamers or the ones carrying combination package freight and passengers, and particularly on the short runs?

Mr. O'BRIEN. That will be handled by Mr. Conway, on the short runs, because it affects specifically the firemen's department.

Mr. BRIGGS. You are not able to speak about that?

Mr. O'BRIEN. No, sir.

Mr. BRIGGS. On the long run, you have heard testimony here—you remember the witness who testified here, perhaps it was Mr. Newman, and stated they carried on their steamers at least 21 men when that just made 9 extra men?

Mr. HARDY. I think he said it was nine extra men in his entire fleet of four boats.

Mr. BRIGGS. And that it made considerable difference in the expense account. I think he handed the figures in. And he said he could not use those men for anything else than as able seamen.

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. I wish you would discuss a situation of that kind, where there are able seamen on board the ships who do nothing but just stand ready to launch the lifeboats and just act as watchmen—whether they have other duties or not?

Mr. O'BRIEN. I do not know of any ships where men are on that they are not employed continuously in their watch on deck. For instance, when it came to a question last year—we asked for a 56-hour week from the vessel owners and they stated——

Mr. BRIGGS. Now, Mr. O'Brien——

Mr. O'BRIEN. I am going to show when the question came up they stated to us that the amount of men they had was not sufficient to give a 56-hour week, when with all of the statements they have made here, with regard to the surplus of men, they could very easily have given us a 56-hour week.

Mr. SCOTT. Mr. Briggs's question is directed particularly to what they do. Everybody admits they are on watch, but on watch and doing nothing. They might just as well be asleep as on watch.

Mr. BRIGGS. What I am interested in is the effect of the act. I am not talking about any arrangements between the ship operators and the organization. That matter has been injected a great deal into all the testimony. I appreciate that, but what I am interested in is how this act is operating and whether it is operating to the detriment of the operation of ships on the Great Lakes, so as to exclude the operation of ships on the Great Lakes, and whether this bill is a proper one and will accomplish that.

Mr. O'BRIEN. I will read from the testimony given to the subcommittee last year, and, I think, made by Mr. Thorp to me on that question.

Mr. FREE. I have been trying to get this same thing Mr. Briggs is asking you and you have evaded it each time. What I want and what I think Mr. Briggs wants is this: Take these boats that have a six or seven hour run and suppose you had two watches, would that work an undue hardship on the men?

Mr. O'BRIEN. That presupposes——

Mr. FREE. Now, answer the question directly.

Mr. O'BRIEN. I can not say yes or not on that question for this reason, for I must explain ships are not run like railroad trains. Your men must work on the ship when in port, and no matter if the run confined itself to 55 minutes, our work, at intervals, when in port must go on.

Mr. FREE. Just right on that point: For instance, there is some testimony here that oilers, or whatever it is, when they are actually in port, they do not do anything on the boat. Is that a fact—that they don't handle freight or do anything else?

Mr. O'BRIEN. I am not conversant with that particular department on the ship. Mr. Conway will answer that question. He is a practical man and he understands that work; I do not understand that work.

Mr. FREE. You do not know whether there are on board these boats that take that short run men, while in port, who have nothing to do and the companies have to pay them for that time?

Mr. O'BRIEN. I have never heard of it, sir, until I heard the owners saying those things.

Mr. BRIGGS. Now, let us get back to these nine men. I do not care anything about the arrangement between the organization and the operators. I am talking about the law. As I understand, the law requires them to carry these extra men, and the testimony of Mr. Newman or somebody was that these men did not do anything except to draw their salaries and be up there to lower the lifeboats and do things attendant on that sort of service.

Mr. O'BRIEN. In case of accident.

Mr. BRIGGS. As I understand him, Capt. Simpson stated he did make some arrangement to in some way make use of his men, and he had no complaint to make about that; but the other witness made quite a point about it and showed quite a loss in the records of his operating expenses.

Mr. O'BRIEN. Mr. Newman uses practically all passenger ships and package freight. Now, on passenger ships the ships must be kept clean; they carry quite a number of passengers——

Mr. BRIGGS. I understand that. What I am talking about is this: First, is it true? Just answer that, and then you can make the explanation. Is it true these nine men carried on there can not be put to any other service on the ship except to launch the lifeboats, or something of that character?

Mr. O'BRIEN. That is not true, sir.

Mr. BRIGGS. All right; tell us what they are used for and what they can be used for.

Mr. O'BRIEN. They are used in the places formerly occupied by the deck hands.

Mr. BRIGGS. What do you mean by that—to scrub the ship?

Mr. O'BRIEN. These ordinary seamen—your scrub seamen—clean the paints, clean the ship, splice ropes——

Mr. BRIGGS. They can be called on for that purpose?

Mr. O'BRIEN. Yes, sir; and they do that work.

Mr. BRIGGS. And your organization allows them to do that work?

Mr. O'BRIEN. Our organization insists on that work.

Mr. BRIGGS. They have just to stand around idle on this ship and smoke and wait for a storm to happen to launch lifeboats; is that it?

Mr. O'BRIEN. No, sir; that is not it. The men on the ships have to work.

Mr. BRIGGS. How do you imagine Mr. Newman had this experience? You heard his testimony?

Mr. O'BRIEN. I heard his testimony, and probably Mr. Newman imagines we ought to go back to the conditions prior to the seaman's act and have cheaper men there instead of able seamen.

Mr. BLAND. Why can not less expensive men do that work?

Mr. O'BRIEN. Because they have not the skill. The reason the seaman's act was passed was because of the fact the men on board of the ships at that time were insufficient to handle the lifeboats and to save life at sea, and they were put on there for doing that work. But they displaced other men when they were put on there, and if Mr. Newman has been doing anything outside of that, then he has been doing himself an injury.

Mr. BRIGGS. In other words, your contention is that Mr. Newman is entitled to use those men for other service on his ships?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. If he wants to?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. And if he has not been getting that service out of the men it is some fault of the operating department of his ships?

Mr. O'BRIEN. Yes, sir. For instance, there are able seamen as pursers on board of the Crystal Beach boats who fill in on the boat question as able seamen and do the work of purser. Then there are patrolmen who go around and see that order is kept amongst these passengers. They are able seamen. They used to be able seamen before. These men are all placed in capacities or positions formerly held by people who knew nothing about boats at all.

Mr. BRIGGS. Now, have you operated on any of the passenger ships other than the one you spoke about? Did you ever work on Mr. Newman's boats, for instance?

Mr. O'BRIEN. No, sir.

Mr. BRIGGS. On the vessels you have worked on, were they passenger ships?

Mr. O'BRIEN. I have worked on passenger ships.

Mr. BRIGGS. On any ships similar to these Mr. Newman operates?

Mr. O'BRIEN. No, sir; I did not work on those.

Mr. BRIGGS. I did not say you worked on those, but on any ships similar to those?

Mr. O'BRIEN. No, sir; I did not.

Mr. BRIGGS. The ships you worked on were mostly freight?

Mr. O'BRIEN. Mostly freight.

Mr. BRIGGS. And what was this *Americana*; she was a passenger ship?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. Engaged in what kind of business?

Mr. O'BRIEN. Running from Buffalo to Crystal Beach—excursions.

Mr. BRIGGS. How large a boat is that?

Mr. O'BRIEN. I could not tell you.

Mr. BRIGGS. Mr. Newman's boats and the large boats like those referred to by Capt. Simpson; they are really liners?

Mr. O'BRIEN. Liners?

Mr. BRIGGS. I mean by that that they run on schedule between certain ports?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. I am using possibly the sea term rather than the one used on the Lakes. Prior to the operation of the seaman's act you stated you had served on the Lakes?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. And you have served on the Lakes since the operation of the seaman's act?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. What have you observed with reference to the employees on the ships there, whether there were any employees on ships there since the operation of the seaman's act who did not have something to do on the vessels on which you served, and whether the boats seemed to be inadequately manned, or were before the passage of the seaman's act?

Mr. O'BRIEN. Before the passage of the seaman's act we had men, who were not conversant at all with the vessels, in the deck department as ordinary seamen. Deck hands they were called. Some of those men were used in the fire holds as well. The vast majority of them—there were, of course, some who would try to acquire skill, but the vast majority of them simply went along and made a trip and got off the ship again because of the conditions that prevailed on the ships. Now, since the passage of the seaman's act, and the 65 per cent of the deck crew being able seamen, you have mingled in with those ordinary seamen a certain percentage of the able seamen who are working with those men continuously. And because of the elimination of the work in the firehold and on deck and the long hours these men that are on deck now remain longer and a larger number of them qualify as able seamen.

Mr. BRIGGS. In this connection, for the benefit of members of the committee who are not mariners, I wish you would tell us just what you mean by watches and just how they are divided up in the service on the ship.

Mr. O'BRIEN. Watches are divided on the Lakes six hours on and six off.

Mr. BRIGGS. You mean by "off" that they are resting or doing anything they please at that time?

Mr. O'BRIEN. Yes, sir; that is, in the time off they get their meals and they sleep, and read if they have any time.

Mr. BRIGGS. That accounts for 12 hours during the day. What becomes of the other 12 hours?

Mr. O'BRIEN. The other 12 hours they work. They are at the wheel——

Mr. BRIGGS. You mean they work eight hours?

Mr. O'BRIEN. They work 12 hours a day.

Mr. BRIGGS. You mean, divided into two watches; that they work 12 hours a day and divide it into two 6-hour periods?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. And rest for six hours?

Mr. O'BRIEN. And rest for six hours.

Mr. SCOTT. That is, with two crews?

Mr. O'BRIEN. That is, with two crews; that is, the able seamen. The able seamen and the ordinary seamen, according to the present law, work watch and watch; that is, 6 hours on and 6 off. Say you go on watch at 6 in the morning; you work until 12, come off at 12, and rest until 6; and go on at 6 in the evening and work until 12 midnight. That is two watches—12 hours.

Mr. BRIGGS. What system is employed under the present act on those large vessels—the freighters?

Mr. O'BRIEN. That is the system the act calls for.

Mr. BRIGGS. What was the system before the passage of the act?

Mr. O'BRIEN. The system before the passage of the act was six on and six off, but it was not compulsory. You could be worked off watch; you could be called out coming into port; despite the fact you had just turned in after doing your six hours' watch, you could be called out immediately and be compelled to work another six hours and then go on in your regular turn for another six hours.

Mr. BRIGGS. And this act broke the watches and so gave this rest period in there in this special way to which you refer?

Mr. O'BRIEN. Yes, sir. I think my testimony on the *Rappahannock* shows that, where I had to stay on practically from 12 o'clock midnight until 6 o'clock in the morning after—24 hours.

Mr. BRIGGS. That was before the passage of the seamen's act?

Mr. O'BRIEN. Yes, sir. The passage of the seamen's act eliminated that.

Mr. SCOTT. How many times did you ever do that in your experience?

Mr. O'BRIEN. I could not tell you. I did 37 hours at one time at sea.

Mr. SCOTT. I want to know how many times you did that?

Mr. O'BRIEN. I did 37 hours at sea on another occasion.

Mr. EDMONDS. That was during a storm, though.

Mr. O'BRIEN. No; not during a storm I did 37 hours, and during a storm I did 30 hours. And going into port, it was a regular occurrence with the lumber boats to dock—you could dock at 6 in the morning. You had been on watch from 12 o'clock that night, and you would dock at 6 in the morning, and in spite of that fact, gentlemen, we had to load lumber on the Lakes. When we were loading we he'ped to load the lumber in the lumber trade, and we did the same amount of work and received the same amount of pay while doing that work. We would go on watch at 6 o'clock at night and work until 12 o'clock midnight, and then you had to stand watch on deck from 7 o'clock that day until 6 in the evening shoving lumber. And then when all of the lumber was on board of the vessel at one end that you could get on you shifted the boat to another part, and then a couple of hours elapsed before you got any watch or any time off. Those things were common prior to the passage of the seaman's

act on the Lakes. It was in consequence of those conditions that the seaman's act was passed and the insistence on the two-watch system was made.

Mr. SCOTT. Now, Mr. O'Brien, you have testified particularly as to the manner in which Mr. Newman manages his boats.

Mr. O'BRIEN. No, sir.

Mr. SCOTT. Oh, you gave positive testimony as to what his men did. Did you ever work on any of his boats?

Mr. O'BRIEN. I did not, sir.

Mr. SCOTT. Therefore you do not know, of your own knowledge, at what Mr. Newman employs his men on board of these ships, or whether he has work for all of them or only part of them?

Mr. O'BRIEN. Why, I used to come in contact with all the men on the Lakes.

Mr. SCOTT. I say of your own knowledge you do not know whether Mr. Newman has employment for all of the men on board of his ships?

Mr. O'BRIEN. If you mean by that whether I was on board to see the men doing that work, I was not.

Mr. SCOTT. Then, when he says to this committee, after some 35 years operating ships prior to the passage of the La Follette seaman's act that after the passage of the act he was compelled to carry nine more men than he had work for them to perform you think that that statement is grossly incorrect?

Mr. O'BRIEN. I do not think that that is exactly correct; no, sir; I do not.

Mr. SCOTT. Then you think Mr. Newman is not familiar with the character of the work his men do on his ships?

Mr. O'BRIEN. Mr. Newman does not navigate the ships. He is not in touch with the work on board of those ships any more than I am when it comes down to a question of the distribution of his able seamen.

Mr. SCOTT. Let me ask you this: The tonnage on the Great Lakes has not increased since the passage of the seamen's act, has it?

Mr. O'BRIEN. According to the reports, it has.

Mr. SCOTT. That remained on the Great Lakes?

Mr. O'BRIEN. Yes; that the tonnage has increased.

Mr. SCOTT. You do not know that of your own knowledge?

Mr. O'BRIEN. We will submit a report on that.

Mr. SCOTT. You are taking into consideration the amount of tonnage that was built on the Great Lakes during the war; but the actual operating tonnage on the Great Lakes has not been greater since the passage of this act than it was before, has it, to your knowledge?

Mr. O'BRIEN. That will be handled by somebody else.

Mr. SCOTT. But prior to the passage of the act, will you admit there was a very large amount of transportation done on the Great Lakes?

Mr. O'BRIEN. Yes; of course there was.

Mr. SCOTT. Prior to this law being put on the statute books at all?

Mr. O'BRIEN. Yes, sir.

Mr. SCOTT. The ships were all manned, were they not?

Mr. O'BRIEN. According to the requirements——

Mr. SCOTT. Of the Department of Commerce?

Mr. O'BRIEN. Yes, sir.

Mr. SCOTT. And, of necessity, in a measure determined by the operator of the ship? In other words, the men who run the ship determined how many men they felt they ought to have to enable them to run their ships, prior to the law?

Mr. O'BRIEN. I was under the impression the Department of Commerce decided that.

Mr. SCOTT. Whether that is true, either the Department of Commerce determined it or the operator himself determined how many men he felt he ought to have on board of the ship?

Mr. O'BRIEN. The Department of Commerce inspectors determined that with the operators.

Mr. SCOTT. And it was necessity that determined that?

Mr. O'BRIEN. Yes, sir.

Mr. SCOTT. And each season it was necessary to go out in the field of labor—whether it was firemen, able seamen, water tenders, or what not—the ship operators had to go out into the field and pick up their crews, did they not?

Mr. O'BRIEN. Yes, sir.

Mr. SCOTT. Do you know of any difficulty in their getting men who were willing and anxious to work prior to the passage of this act?

Mr. O'BRIEN. I do not know. I do know we were supplying the vessels with men.

Mr. SCOTT. Who do you mean by "we"? The seamen's union?

Mr. O'BRIEN. The union; yes, sir. We were supplying men for the vessels for about seven years prior to the passage of the seamen's act, from 1907 or 1908.

Mr. SCOTT. What percentage of the operators on the Great Lakes came to you and sought your men or men who belonged to the unions?

Mr. O'BRIEN. A majority of them; the vast majority of them.

Mr. SCOTT. Prior to the passage of this act?

Mr. O'BRIEN. Yes, sir.

Mr. SCOTT. The steel company's ships; they have 100 ships, I think——

Mr. O'BRIEN. They have more than that.

Mr. SCOTT. They have more than that?

Mr. O'BRIEN. Yes.

Mr. SCOTT. They never have come to your unions and asked you to supply those ships with men, have they?

Mr. O'BRIEN. Yes, sir; they did.

Mr. SCOTT. When was that?

Mr. O'BRIEN. From 1900 to 1907.

Mr. SCOTT. But not since?

Mr. O'BRIEN. Since 1908, rather.

Mr. EDMONDS. Do your men work on a steel company's ship?

Mr. O'BRIEN. Yes, sir.

Mr. EDMONDS. And do other men who do not belong to the unions work on the steel company's ships?

Mr. O'BRIEN. Yes, sir; but the men do not work on the steel company's ships as union men.

Mr. EDMONDS. You mean you prohibit them from working on the steel company's ships as union men?

Mr. O'BRIEN. No, sir; if there is a knowledge they are union men they are soon eliminated.

Mr. CHINDBLOM. By whom?

Mr. O'BRIEN. By the steel corporation, I presume.

Mr. EDMONDS. Yet these other lines of ships, say the Goodrich Navigation Co.'s ships—was it required by your unions that all men on the Goodrich Navigation Co.'s ships should be union men?

Mr. O'BRIEN. I do not think so. There is nothing in the contract we signed last year, sir, despite the statement that has been made, that union men should be employed. There is not one word in any contract we signed last year that says all union men shall be employed.

Mr. EDMONDS. What is your practice?

Mr. SCOTT. What are the actual facts?

Mr. O'BRIEN. Our practice is, when we do business with those men we must—of necessity, in order to have the men do the work we have agreed to—the men must be controlled by the organization. We can not sign an agreement for people over whom the organization has no control. We must of necessity have the right in our meetings to pass upon the actions of the men if they do not live up to the agreement signed by our organization with the shipowner.

Mr. EDMONDS. Why was it, then, when the cooks on this ship struck, as testified here yesterday, that the firemen went out?

Mr. O'BRIEN. I do not know anything about that, sir; I could not tell you.

Mr. EDMONDS. You know it occurred, do you not?

Mr. O'BRIEN. I was not in Chicago then; I do not know.

Mr. EDMONDS. You know it occurred, don't you, in your own mind; don't you know what happens up here on the Lakes?

Mr. O'BRIEN. I have heard that occurred.

Mr. EDMONDS. Yes.

Mr. O'BRIEN. But whether it occurred with the consent of the organization or whether these men have been penalized for it, I do not know. I am sure they have. I will tell you this, for instance: Last year, on some of the boats, the rooms the men were sleeping in were up on the upper deck in the passengers' quarters. They were very much better rooms than the rooms assigned to the men, and, in the winter especially, the rooms where the men are supposed to sleep are extremely cold, and the company, of its own accord, has allowed the men to sleep up in those rooms. Some of the men did not want to go down into the rooms assigned to them. Now, those rooms have been passed by the Inspection Service, and I was called by the owners to go down and see the rooms. And I told the men myself that those rooms belonged to them, and they were up to the requirements of the law, and that they must go down and sleep in those rooms, and that the passengers' quarters were not for them. On numerous occasions, on questions of overtime, the organization has compelled the men to live up to the agreement, despite the fact that agreements may have been entered into by the men and the captain on the ships in an emergency.

Mr. MILLS. Is that line completely unionized?

Mr. O'BRIEN. Which line?

Mr. MILLS. The line you were just discussing, the Goodrich Co.?

Mr. O'BRIEN. I could not tell you that. I doubt if they are, especially in the steward's department, where the men are continually going and coming.

Mr. MILLS. Who can tell us that—whether it is completely unionized or not?

Mr. O'BRIEN. There is nobody who could tell that.

Mr. THORP. I can answer that; it is a fact there.

Mr. MILLS. The line is completely unionized?

Mr. THORP. Absolutely, except the freight handlers.

Mr. EDMONDS. Another question right along that line: Do you know of any time when the sailors were called out on a strike to support the firemen, we will say, or some other union people—the cooks or anything like that? After signing a contract to supply the sailors to a line that is completely unionized, has disaffection among the firemen or any other branch of the union caused you to call the sailors on strike?

Mr. O'BRIEN. The sailors, firemen, and cooks are in the International Seamen's Union.

Mr. EDMONDS. We are not interested in international unions at all, here. We are interested in the American seamen's unions. We do not care anything about the international unions.

Mr. O'BRIEN. The reason we call it the international union is because Canada has men on the Lakes and it is an attempt to make——

Mr. EDMONDS. I know there is an attempt to make this an international union all over the world. I do not care anything about the world; I want to know what Americans do. Do you know of any case where the sailors were called out to support some other branch of the union on a strike?

Mr. O'BRIEN. Not unless the agreements of the cooks were being abrogated by the vessel. But I do know that is the only time. And the cooks and the seamen and the firemen go in and meet the vessel owners together, as a rule, and sign these agreements.

Mr. EDMONDS. How about the stewards' department?

Mr. O'BRIEN. The stewards and cooks are one organization.

Mr. EDMONDS. They are all in together?

Mr. O'BRIEN. Yes, sir.

Mr. BANKHEAD. Do you know anything about a union among the shipowners on the Great Lakes?

Mr. O'BRIEN. Yes, sir; there is a very, very strong union known as the Lake Carriers' Association and a passenger boats' association, I think. They are usually lined up pretty strong, and the Lake carriers' organization, also.

Mr. BANKHEAD. They have an organization for the protection of their mutual interests, for the protection of freight and passengers, do they?

Mr. O'BRIEN. Yes, sir.

Mr. BANKHEAD. They have their regular meetings, organizations, and by-laws?

Mr. O'BRIEN. Yes, sir.

Mr. BANKHEAD. They act together for their mutual profit and benefit, do they?

Mr. O'BRIEN. They do, sir.

Mr. BANKHEAD. Do they have joint traffic arrangements and uniform freight rates among those organizations?

Mr. O'BRIEN. As a rule; yes, sir.

Mr. BANKHEAD. And when one line lowers them, the others do, and when one raises them the others raise them; is that the practice?

Mr. O'BRIEN. I could not say that about passenger boats exactly, but I do know the rate for ore is set at a certain time and the rate for coal is set at a certain time, and that is the rate—and the rate for lumber.

Mr. GAHN. The ships do not set those rates, altogether?

Mr. O'BRIEN. I do not know as to that.

Mr. SCOTT. You have answered Mr. Bankhead by saying the operators—and I am not interested in the operators—have an organization. You, as members of the seamen's union, the cook's union, the firemen's union, the water tenders' union—in fact, every living soul aboard that ship, in the management of the ship, makes a contract with the operator at the opening of navigation. Is not that true, usually? You can answer that yes or no.

Mr. O'BRIEN. You mean on the passenger boats?

Mr. SCOTT. Yes; I mean on the passenger boats. Is it not usually true you all make a contract with the operator?

Mr. O'BRIEN. As a rule.

Mr. SCOTT. He owns his boat. If he violates his contract with you, you can sue him, can you not, and recover damages incident to the loss of your time?

Mr. O'BRIEN. We never have done that.

Mr. SCOTT. But I say you could sue him and recover damages for a violation of the contract.

Mr. O'BRIEN. I do not know whether we could or not.

Mr. SCOTT. Supposing you quit?

Mr. O'BRIEN. Yes.

Mr. SCOTT. Supposing you quit the boat for some reason you think is good and you compel him to tie his boat up at the dock. What can he do to compel you, who have made a contract with him at the opening of navigation, to carry out the terms of your contract?

Mr. O'BRIEN. If I break my contract, if I in any way infringe upon the rules and regulations set down by the Department of Commerce, which the union abides by, I can be fined; I can be put in irons.

Mr. SCOTT. By whom?

Mr. O'BRIEN. By the master of the ship.

Mr. SCOTT. No; but I am talking about when you get to the dock now. You have made your year's contract. If some disagreement occurs between the operator or somebody in connection with the operation of the ship has got into a controversy with some member of your department, which represents one union, or they have gotten into a controversy with the cooks on the ship or with some of the firemen, in consequence of which the particular class on the ship aggrieved steps ashore; suppose it is the cooks, and no disagreement has occurred between your department, the seamen's union, and the operators, you are in perfect harmony; they have not violated your contract at all—in actual practice the minute the violation occurs as to any of them don't they call out the others and call a strike?

Mr. O'BRIEN. They do not, sir.

Mr. SCOTT. I want you to explain why that is not true.

Mr. O'BRIEN. If there is anything like that occurs, no one has a right to order any of the men ashore of the other departments outside

of the particular department that is affected. And the mode of procedure is this, that as a rule we go down and find out what the trouble is——

Mr. SCOTT. That is the representatives of all the unions?

Mr. O'BRIEN. Yes, sir. And if the shipowner is right, we will compel the cooks or the firemen or the seamen to go back to work, as far as we can forcibly compel anybody to go to work. That is the mode of procedure and that is what happens as a rule. For instance, there was a strike of cooks last year, but the seamen and firemen were not on strike, simply because of the fact the seamen and firemen did not agree to have any strike and would not go on strike because the cooks went on strike. That was last year on the Lakes.

Mr. SCOTT. But if the cooks go ashore and the boat is laid up and your seamen are ready to go to work, you collect your pay, do you not? You are there ready to go to work, and although one member of a coordinate organization, affiliated organization, steps out on the dock, if all the other affiliated organizations are there ready to go to work they are obliged to be compensated because they are ready and willing to undertake their work?

Mr. O'BRIEN. If they are working, Congressman; yes; if they are working. You must remember it is not a question of whether they are ready and willing, but they must be working.

Mr. SCOTT. You have just called a strike on the ships on the Lakes, have you not?

Mr. O'BRIEN. Yes, sir.

Mr. SCOTT. Is that your union. It is the international union?

Mr. O'BRIEN. That is on the Atlantic coast and on the Pacific coast.

Mr. SCOTT. It is the international union. You have tied up our ships?

Mr. O'BRIEN. No, sir; that is not so. We did not call the strike; we were locked out.

Mr. SCOTT. I just want to know what there is to it.

Mr. O'BRIEN. I would rather have Mr. Foruseth answer that question because he is more familiar with it; but I know it is a lock-out and not a strike.

Mr. SCOTT. Do you like a system of making a contract for a whole year which assures your men continuous employment and a certain amount of wages during an entire season—do you like that system?

Mr. O'BRIEN. Certainly.

Mr. SCOTT. Then what objection have you to organizing and incorporating with a certain amount of capital stock, to insure your carrying out your end of the contract, the same as you can compel the shipowner to carry out his contract? Have you any objection to that?

Mr. O'BRIEN. You mean to incorporate?

Mr. SCOTT. Yes; to incorporate, so that you will be an incorporated body liable, under the laws of the country, just the same as any other organization, in a damage suit to compel you to carry out the contracts you have made and signed and agreed to carry out. Have you any objection to it?

Mr. FURUSETH. Leave that to me.

Mr. SCOTT. I would like to get his opinion.

Mr. O'BRIEN. Mr. Scott, you must remember that I am only a sailor; I am not a financier, neither am I a lawyer.

Mr. SCOTT. You represent one of the great unions and you are the head of the union?

Mr. O'BRIEN. I am not.

Mr. SCOTT. I thought you were head of the seamen's union.

Mr. O'BRIEN. I am general secretary of the sailors' union.

Mr. SCOTT. You hold what position in the seamen's union?

Mr. O'BRIEN. I am a member of the union, that is all.

Mr. SCOTT. You are not a representative?

Mr. O'BRIEN. I represent the men; I was sent here by the men themselves.

Mr. SCOTT. You are not holding an official position?

Mr. O'BRIEN. No, sir; I am not yet.

Mr. MILLS. But you are representing them here?

Mr. O'BRIEN. We could not send the whole union down here.

Mr. MILLS. And you are down here to represent the men?

Mr. O'BRIEN. Yes, sir; I am down here to represent the men.

Mr. BANKHEAD. Do you not think, Mr. Scott, that this whole matter up there is largely a matter between the shipowners and the seamen's union rather than a grievance against the seamen's act?

Mr. SCOTT. No; I do not think the seamen's union had anything to do with the extension of the season. I was dumfounded by their position to-day, because I could not understand why any class of men could object to an increase of their wage—that is, an extension of time which would allow them to work more days than they otherwise could or would work. They have not had any trouble up there particularly, except in so far as the unions took advantage of the present law. If you will bear with me—I want to answer your question and I want to answer it fairly—until this law was put on the statute books we people up in that country went out into the open market and hired men in consequence of their ability. The fact that they had a blue ticket meant nothing; a man who had never seen a blue ticket might be a better seaman than nine-tenths of the men who had one; so we went into the open market and hired men. We had an open shop, and a man was employed in consequence of his ability. We run our ships. The accidents before the law and since the law are comparable—no worse and no better. I think that is a fair statement. But when this law came on the statute books they compelled us to unionize every one of our passenger-line ships up and down the Lakes. Prior to that time the captains and the mates and some of the second mates were not unionized at all. But it resulted in this, that every single living soul on the boat became unionized in consequence of the fact that the seamen's union had been sufficiently powerful to get a law on the statute books recognizing their identity and compelling the operator, by law, which he had done voluntarily in large measure before, to put a certain character of men on board the ship, to wit, 65 per cent of his entire forward deck crew had to be able seamen. And the question of determining the able seamen, as a result of that law, was more quickly determined and more accurately determined by the fact that he held a union card. As a result it has accomplished the unionization of the entire personnel of the ship. Now, that has resulted in this: Each year contracts have been made. The captains have organized; the mates have organized; the second mates have organized; and so on down the line. And they have been

obliged to make a contract with the unions at the commencement of the season.

Mr. BANKHEAD. They do not like that much?

Mr. SCOTT. No; it has resulted in this: It has resulted in the strangulation of the passenger service and the freight service. I am not interested in the steel company's boats or boats of that character that make long runs, but I am interested and my people are interested in the maintenance and continuation of the short runs, known as the passenger and package-freight business.

Mr. KIRKPATRICK. Is there not any way of getting this blue ticket as an able seaman, unless a man belongs to the union?

Mr. SCOTT. It has resulted in an imposition, because of this fact—I do not want to make a speech on it—

Mr. BANKHEAD. I would be glad to have your statement go in, because I have gotten the impression that is one of the real troubles in this controversy.

Mr. SCOTT. It is one of the troubles, but it is not the major trouble. It has resulted in this: The minute you, by statute, recognized a class, the other man employed necessarily said to himself, "I am a fool not to so demean myself that I can participate in the increase of compensation that has resulted from this particular recognition of the seamen's union by legislation. Therefore, they all organized, and it has resulted in the unionization of the whole ship. Consequently—you know human nature is this, that people will not go down, but they will go up, and once you have granted a concession, they never will consent to its release, no matter how bad it will be for them. That is human nature.

Mr. BANKHEAD. We all do that.

Mr. SCOTT. Yes; we all do it; they are no different than we are. So that the situation has increased all the time, and wages have been going up and up.

Mr. BRIGGS. You said the recognition of the union by legislation. Is there any recognition in the statute of that union?

Mr. SCOTT. Oh, yes.

Mr. BRIGGS. It is specially recognized?

Mr. SCOTT. Oh, yes.

Mr. BRIGGS. Where is it in the statute?

Mr. SCOTT. Sixty-five per cent of able seamen.

Mr. BRIGGS. That does not say anything about that union.

Mr. SCOTT. It has resulted in that.

Mr. BRIGGS. I know that is your contention; but the statute does not say anything about the union. This is the effect, but there is not anything in the statute?

Mr. SCOTT. The fact it is cloudy outside is not positive proof it is raining, but, if you go outside and it is pouring, that is conclusive of the fact that the clouds are giving forth rain.

Mr. BRIGGS. Is there anything in the act though that able seamen have to go through a union in order to be regarded as able seamen?

Mr. SCOTT. No.

Mr. BRIGGS. There is nothing in that act at all?

Mr. SCOTT. No.

Mr. BRIGGS. Does not the act itself designate what shall constitute an able seaman? Does not even your bill so designate an able seaman?

Mr. SCOTT. There is no question about it.

Mr. BRIGGS. That is so whether they belong to the union or not?

Mr. SCOTT. No.

Mr. BRIGGS. That is to say, you have to belong to the union in order to get the classification?

Mr. SCOTT. No. All I want to do is to correct a situation that in a measure accomplishes an unfortunate situation. I do not say the unions are responsible for it; it may be psychological, but it is a fact; it is not conjecture, but at the present time they have a strangle hold on the Great Lakes and, possibly without their knowledge, I hope it is without their knowledge, they are strangling the very thing that is feeding them, and not only will they be sufferers in the end and the ship operators be sufferers in the end, but the people I am trying to represent here who ship their potatoes and their wheat and their vegetables and their peaches on these ships are going to be the ones who will be the great sufferers. That is the thing I am attempting to correct. If I could figure out any other way it could be done, and certainly we do not want to decrease the efficiency of our ships, I would do it; but we had just as good efficiency before this act went into effect as we have had since.

Mr. BANKHEAD. In your last measure, which you introduced in Congress at the last session, the only provision there was for the extension of their passenger season.

Mr. SCOTT. I will say this, in all frankness, and I think I ought to say it in fairness to Mr. O'Brien and Mr. Conway, that those two gentlemen have played the game absolutely fair with me. I told them I would meet them halfway on the proposition, and that particular feature was the most vital in connection with the particular traffic in my section of the State and I was looking after my particular section rather than some other section. They could not agree with me; they were opposed to the provision. They thought it ought not to go in. But in view of the other things I asked, which I have asked in this bill, they said, "We could not, even by indirection, consent to this; but we are not viciously opposed to that extension of the season up there and will not oppose it, if you eliminate the other two sections." We were in the short session of Congress—

Mr. EDMONDS. Let me ask Mr. Scott something about his situation, and that is when the La Follette bill was passed, the union, of course, was strengthened. In order to get men, the operators had to close contracts with the unions. They closed those contracts with the unions, and in closing the contracts they were compelled to take all of their men from the union. In fact, the outside men had to go into the union in order to get on the ships. I just wanted to supplement his statement, because he has talked about the strangle hold without explaining what the strangle hold was.

Mr. MILLS. Is it not a fact that any test which is entirely based on time enormously strengthens the hands of any union?

Mr. EDMONDS. Yes.

Mr. MILLS. Because, if they are smart enough—and after hearing Mr. O'Brien, I am not going to question their smartness—they will

corral the free men and that makes it impossible to get anything but union men.

Mr. EDMONDS. To be sure.

Mr. MILLS. If you are going to make the sole test length of service.

Mr. SCOTT. The statement was made positively, not indirectly but positively made, and on many, many occasions during the original hearings, by Mr. Furuseth, and every single representative of the union made the statement, when the La Follette bill was passed, that it was written by the unions; it was a union measure and no outside individual had any participation in it. They insisted on taking credit for it, and they have had credit for it.

Mr. FURUETH. No; I won't stand for that.

Mr. SCOTT. That was the situation that everybody else recognized. They insisted that it was formulated as a union proposition and as a result they have received just credit for its adoption.

Mr. FURUETH. Mr. Chairman, may I be permitted—this goes a little too far—may I be permitted to make just one statement?

Mr. SCOTT. Sure; if that is not a correct statement, I think you ought.

Mr. FURUETH. It is absolutely incorrect.

Mr. SCOTT. Who wrote the seamen's act?

Mr. FURUETH. The Committee on Merchant Marine and Fisheries. The first original draft of the so-called seamen's act was made in 1892 by a committee of seamen on the Pacific coast.

Mr. SCOTT. You participated in that, did you?

Mr. FURUETH. I did not. I was an officer of the union at the time, but I was not on the committee officially. Now, then, that act was changed, and changed, and changed, and changed. We were 21 years bringing evidence before the committees of Congress. Finally the act was taken up by the Committee on Merchant Marine and Fisheries and it was submitted to a subcommittee and the subcommittee drew the act. Then, after it passed the House in that shape, it went to the Senate and we had hearings lasting for more than two months, altogether.

We have never claimed that it was a union measure; we have never claimed that it was for the purpose of the union; we have never claimed responsibility for it; but we have claimed we were glad that it was passed. There are men who have given me some credit in this matter, and some credit possibly is due me, but, as far as the statements made by Congressman Scott here are concerned, he can find nothing in the record to substantiate them. I have the record here, all of the hearings. He can find nothing in the record to justify the statements he has made.

Mr. ROSENBLOOM. As that matter seems to be of interest to the committee, my recollection is I heard Judge Hardy say day before yesterday, sitting right across the table here, that he and another member of this committee had drafted this bill and that Judge Alexander had more to do with it—although it was called the La Follette bill, that it was he and Judge Alexander who really drew the bill.

Mr. SCOTT. That is true; and Mr. Alexander lives in Missouri and Mr. Hardy in Texas. Neither one of them have any ships in their districts at all.

Mr. ROSENBLOOM. But I recall that statement by Judge Hardy.

Mr. BANKHEAD. You do not take the position that a man who represents an inland district has not any intelligent judgment in regard to shipping?

Mr. SCOTT. Oh, bless my soul, no.

Mr. BANKHEAD. That might be the inference to be drawn.

Mr. SCOTT. No; but I want to say this: At that time I remember this bill being submitted and nobody on the Great Lakes had any idea that an effort was going to be made to so curtail the operation of the ships. You heard a gentleman yesterday say they came down here and said there was no occasion for it on the Great Lakes, and Judge Hardy frankly admitted that the statement was made back and forth at the time and that the statement made by the committee was that if it did injure them on the Lakes the committee wanted them to come back and show why it should be amended in part so as to relieve the situation. And my thought in that connection was this only—and I think you will be obliged to admit it—I admit I do not know as much about your district as I do about my own, and I will insist you do not know as much about my district as I do.

Mr. BANKHEAD. Naturally.

Mr. SCOTT. It would be very natural. I do not think it is an inference of any lack of knowledge on your part at all, and I hope you will not so interpret it.

Mr. BANKHEAD. I was not involved in the equation.

Mr. SCOTT. I was talking about Judge Alexander and Judge Hardy.

Mr. BANKHEAD. But it is an unfortunate thing that men who have no navigation in their districts have largely participated in the drafting and passage of this act. Mr. Furuseth, were you present all the time during those hearings?

Mr. FURUETH. I was not—all the time.

Mr. BANKHEAD. In looking over the record I noticed your participation——

Mr. FURUETH. I was present during the public hearings here. In reference to asking me questions, there is not a question dealing with this matter I am not willing to answer, and not only answer, as I do, from the record; but when the time comes, if I am permitted, as I hope I will be, I will be open to all those questions on every shape and phase of it. But at this time I only arose to correct Mr. Scott's statement, because it was so outrageously different from the record itself that I could not let it go.

Mr. SCOTT. Then, as a union, you do not claim any credit for the passage of this bill?

Mr. FURUETH. Certainly not.

Mr. SCOTT. Will you let me ask you this one question?

Mr. FURUETH. Please do not ask me any more questions now; it is not fair.

Mr. SCOTT. All right.

Mr. BANKHEAD. Just one matter in reference to this locality. Mr. La Follette represented a section of the country up there that had some interest in seafaring matters, did he not?

Mr. SCOTT. No. So far as his representation of the Great Lakes is concerned, it is comparable to his representation of the United States Government during the war [Applause.]

Mr. BANKHEAD. I just wanted to get an expression of opinion on that phase of it.

Mr. SCOTT. I am very glad to express my opinion on Mr. La Follette at any time. [Laughter.]

Mr. EDMONDS. I think Judge Alexander probably knows as much about ships as any man in the country, and I recall the hearings on the La Follette bill, which Mr. Furuseth remembers, and I am puzzled by Mr. Furuseth's denial of Mr. Scott's statement that this was a union measure. I thought it was considered it was a union measure, and I think it was considered a union measure, but whether that was ever testified to or not I do not know.

Mr. BRIGGS. Was that bill unanimously reported out of this committee?

Mr. EDMONDS. No; it was not. There were three portions of it on which there was disagreement. The first time it was reported out by this committee those three portions were left out of the bill. It went through the House and Senate and went to the President, and the President vetoed it. Then it was reintroduced with the three sections in, or it came back to the committee somehow and those three sections were put back into the bill, and in putting back those sections the committee were not unanimous. I want to say, further, the Lake men had a full hearing here at that time, both the ocean and the Lake men.

Mr. SCOTT. But there were no shippers here.

Mr. EDMONDS. Yes; I think the gentleman here [Mr. Thorp] was before the committee.

Mr. SCOTT. He is not a shipper; he is a boat operator.

Mr. CHINDBLOOM. To complete the history of this interesting legislation, will you be good enough to tell us what those three sections were which were omitted from the original act and on account of which the President vetoed the act and which subsequently were inserted so as to receive Executive approval?

Mr. EDMONDS. I will try and do that. I know one of them was about foreign vessels entering United States ports. That was taken out of the original bill by the committee and was afterwards put back. That was one of the sections, was it not, Mr. Furuseth?

Mr. FURUSETH. If you please, it requires quite an explanation to show all the reasons why the President vetoed it. As a matter of fact, the bill that the President vetoed was much worse for the shipowner than the bill that finally became a law.

Mr. SCOTT. We admit that this is bad.

Mr. FURUSETH. I say it was much worse, because that bill contained a provision that every man who is at the wheel or on lookout on board of ship must have three watches, and not two. That was in the bill that originally went to the President, but it will take some time to explain it, and I will be mighty glad to explain it. But you are asking men who were not here and have not read the record on this question.

Mr. BRIGGS. Going back to the point where we had quite a considerable digression: We were talking about nine extra men for which there was no use.

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. So far as you know, I think you stated there was no reason why those men could not be assigned to other duties?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. That is, cleaning up the ship, scrubbing the decks, painting the ship, and certain other duties indicated by you—purser, or anything else.

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. When these ships on which you work are in port, what do the men do? I mean by that, can they be called on for any duty, or are they off during that time?

Mr. O'BRIEN. They are working in watches.

Mr. BRIGGS. I mean—whether it is at sea, so-called, or whether in port on the Lakes—do these watches continue just the same?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. During the whole month?

Mr. O'BRIEN. Yes, sir; unless a freight ship would be in port maybe for three days, then the men are working a 9-hour day, provided they are allowed to; but in the vast bulk of the freight ships—the law says that—and in the vast bulk of the freight ships the conditions for the ordinary seaman and able seamen are reversed, for the ordinary seamen especially, because then they are placed watch and watch in port, which means a 12-hour day and at sea they are worked all day. The law says that the deck crew must be divided into two watches at sea, and in port, 9 hours, exclusive of the anchor watch; that is, in case you were anchored, you had to stand watch for two hours or an hour during the night and that that hour would be included in the hours you would work during the day. The reverse occurs when ships run into the different ports and the deck hands or ordinary seamen are placed watch and watch instead of being on all day. That occurs on freight boats. On the passenger boats, I think the deck hands are on all day; they are not watch and watch at all.

And in connection with this thing, Mr. Congressman, Mr. Thorp carries more men than the law compels him on some of his ships.

Mr. BRIGGS. Do you know why?

Mr. O'BRIEN. I will read his answer, if I will be allowed.

Mr. BRIGGS. All right.

Mr. O'BRIEN. The question came up—I refer to Mr. Thorp's statement in the last hearings—and Mr. Thorp answered "We do not have to carry more than 16. We have done it voluntarily on one boat only." Now, the reason that they carried more than 16 men is not because of the fact that they could not find work for 16 men, but they had work for more than the amount of men that the law requires them to carry. And that is what Mr. Thorp testified at the last hearings, because exactly the same question came up about the men not having anything to do.

Mr. MILLS. May I ask a question: Is there any question of overtime in any of your agreements?

Mr. O'BRIEN. There is; yes.

Mr. MILLS. Does overtime apply at sea?

Mr. O'BRIEN. Not in cases of emergency; no.

Mr. MILLS. What would determine what was a question of emergency?

Mr. O'BRIEN. Well, if the vessel was in any danger, if there was a fire and the cargo was in danger or the ship was in danger and the

passengers in danger, the loss of the ship or the lives of passengers were in danger. We specifically state that in the agreement.

Mr. MILLS. That in cases of emergency overtime does not apply?

Mr. O'BRIEN. No, sir.

Mr. MILLS. But in any except cases of emergency the one-half overtime pay applies for over eight hours; is that in your agreement?

Mr. O'BRIEN. In the firemen's agreement we had with the people there was only 40 cents per hour for overtime; and in the seamen's agreement——

Mr. BRIGGS. That does not seem to answer the question Mr. Mills asked you, as I understood it. His question was, after eight hours, whether overtime was charged.

Mr. O'BRIEN. Yes, sir; in the firemen's end of it.

Mr. BRIGGS. I am not talking about the firemen; I am talking about the seamen's agreement.

Mr. O'BRIEN. Only last season it was in effect on the Lakes for the sailors.

Mr. MILLS. The 8-hour agreement is simply an agreement between the unions and the owners. There is nothing in the law which makes 8 hours a day, is there?

Mr. O'BRIEN. No, sir; that was an agreement between the owners and the seamen themselves.

Mr. CHINDBLOM. Where there are three men for three watches, that makes an 8-hour shift, does it not?

Mr. O'BRIEN. Yes, sir.

Mr. MILLS. That does not apply, does it, to the seamen?

Mr. BRIGGS. It does not apply to the seamen; it applies to the firemen?

Mr. O'BRIEN. It applies to the firemen in the law, and in the agreement we had with the ship owners last year and which is working now on the passenger boats, we have three watches in the able seamen too.

Mr. BRIGGS. That is not required in the La Follette Act?

Mr. O'BRIEN. No, sir; it has nothing at all to do with it.

Mr. BRIGGS. That arises out of an agreement between the operators and the unions?

Mr. O'BRIEN. Yes, sir.

Mr. FREE. If, for instance, those boats are required to employ a nonunion cook, we will say, your men refuse to take the boat out, do they not?

Mr. O'BRIEN. The man is given an opportunity to join the union. We do not say he must join the union, but in fact, there are hundreds of men who go down and join the union.

Mr. FREE. But take this situation: Suppose you are about to take a boat out and you discover a nonunion cook being employed, would your men refuse to take it out or would they take it out?

Mr. O'BRIEN. I could see the men would object possibly sailing with the nonunion cook, unless he was going to become a member of the organization.

Mr. MILLS. But if he did not become a member of the organization——

Mr. O'BRIEN. If he did not become a member of the organization, he would be given an opportunity——

Mr. MILLS. He would leave peaceably or the boat would not leave at all?

Mr. O'BRIEN. Well, there are numbers of cooks who are not union men, on board of the ships where we have union men, and there are numbers of able seamen on boats where we have union men and these other men are not union men and they work together.

Mr. MILLS. That is true of ships that are not completely unionized, but take this Goodrich Co. which it has been testified is completely unionized. If a nonunion man came aboard that ship, as a matter of practice your men would refuse to take the ship out as long as that nonunion man was there, would they not?

Mr. O'BRIEN. I do not think so. I do not think they would refuse to take the ship out. They might talk to the men and want them to go into the union, and when they got into the next port they would report it to the organization. But we supply these ships with our men——

Mr. MILLS. As a matter of policy—you have been a member of the union for a good many years?

Mr. O'BRIEN. Yes, sir.

Mr. MILLS. As a matter of policy, would or would not the union consider that sufficient cause either for striking or refusing to take the boat out?

Mr. O'BRIEN. In the first place, we have no closed-shop agreement with these gentlemen.

Mr. MILLS. No; I know you have not. But you try to make it one, as a matter of practice?

Mr. O'BRIEN. Naturally we do, of course. We try to organize every man we possibly can.

Mr. MILLS. Then, can you not answer that question? If it was attempted to put nonunion men on ships that were completely unionized, as a matter of practice you would refuse to take the ship out?

Mr. O'BRIEN. They would be working—the men aboard the ship would be displacing other men.

Mr. MILLS. Yes. Suppose they did.

Mr. O'BRIEN. I would view it then that the men have a sufficient right to say that the men should not be discharged without having something against them.

Mr. MILLS. We are not arguing the question of discharge. A very simple question has been asked you. I do not know whether you care to answer it or not.

Mr. O'BRIEN. I have never seen it occur.

Mr. FREE. You have heard the testimony of Mr. Thorp?

Mr. O'BRIEN. Yes; but I was not in Chicago then. I have no doubt the thing came off as Mr. Thorp stated; I do not know. I was in Buffalo then.

Mr. FREE. Is there anything in these agreements to the effect that nothing but union men will be employed on the boats?

Mr. O'BRIEN. No, sir; there is not, and we will send you a copy of that agreement.

Mr. NOLAN. I have wired my office for a copy of that agreement and it will be here to-morrow.

Mr. O'BRIEN. And if there is anything in there that in any way says that union men must be employed, you can strike all my testimony from the record.

Mr. JEFFERIS. What is the method of selecting men that the owners of the vessel employ? Do they just ask the union to send so many men, or can they select their own men?

Mr. O'BRIEN. The captains and the mates select the men. In fact, they are shipped right off the dock. In fact, Mr. Thorp's men never ship out of Chicago; they are shipped off the dock. The men are sailing on his boats all the time. As to the next question of who employes them, we do not say how he shall employ them. Is not that true, Mr. Thorp?

Mr. THORP. Yes; but we have to employ union men, and you know it. Absolutely we can not carry any but union men on those boats in any department. And for the benefit of Mr. Mills, I want to reiterate what I said the other day that before we had any agreement with the cooks at all, but did have agreements with other unions, that because of some disagreement between the head cook and steward they went ashore and got their men to come down there. The firemen stood on the dock and would not take the boat out, and we were really compelled to reemploy the men with whom we had a disagreement. And as they came down on the dock the firemen stood there and said, "Didn't we fix it for you; didn't we fix it for you?" I will take an absolute oath to that.

Mr. CONWAY. I do not think it is fair to let that go by at this time. Did the firemen's union have an agreement with you at this time?

Mr. THORP. Yes, sir. We had a written agreement and we were employing your men, and you personally, Mr. Conway, know that absolutely, and I will take oath to that, too.

Mr. BRIGGS. This only makes for an argument between the two witnesses at this time, and I would like to ask you, in the shipping of the men, do the seamen sign ship's articles like they do when they go on ocean vessels?

Mr. O'BRIEN. No, sir; not in the same way at all; they do not sign before the commissioner.

Mr. BRIGGS. They have no ship's articles to sign before the commissioners?

Mr. O'BRIEN. They just go on the pay roll.

Mr. BRIGGS. How far from the shore do these vessels go that you refer to—the one on which you sailed, for instance?

Mr. O'BRIEN. They go right up through the lakes, the *Tionesta* and passenger boats.

Mr. BRIGGS. I mean how far from shore do they go—5 miles from shore, 10 miles from shore, 50 miles from shore, or how far?

Mr. O'BRIEN. There are times when they are out of sight of land altogether.

Mr. BRIGGS. How far is that?

Mr. O'BRIEN. Sometimes 10 miles, sometimes 15 miles—it depends on the weather.

Mr. BRIGGS. On your route—you have a certain route you pursue from Buffalo to Duluth, say?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. How far does that take you from land on your voyage?

Mr. O'BRIEN. All the way from 3 to 20 miles offshore.

Mr. BRIGGS. From 3 to 20 miles?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. I want to ask you also about launching the boats. We had quite a long and extended discussion on that yesterday about requiring able seamen to launch the boats, but I never did hear just how many able seamen it took to launch a lifeboat. Just how many does it take, say, for a lifeboat holding 30 persons, that is testified to as being the number that the lifeboats hold, the average size of the lifeboats on the larger ships.

Mr. O'BRIEN. To lower a boat with passengers, and to lower them without drowning people——

Mr. BRIGGS. That is what I am talking about; I am not talking about lowering them and drowning people, I am talking about lowering them without drowning people, safely.

Mr. O'BRIEN. Yes, sir. You need two men, two able seamen, two men who understand how to surge lines on the pins.

Mr. BRIGGS. You mean two able seamen?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. Can two able seamen lower a lifeboat with 30 people in the boat?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. Do they need any assistance?

Mr. O'BRIEN. Of course they need assistance; they need assistance in taking off the cover and in clearing up the deck behind them.

Mr. BRIGGS. How many men on the ropes at each end?

Mr. O'BRIEN. Only one man. The reason you see more than one man on the ropes is because of the fact they are not confident of themselves.

Mr. BRIGGS. I am not talking about the men not being confident of themselves at all; I am talking about able seamen.

Mr. O'BRIEN. Yes, sir. Only one, and not only for a boat with 30 people but only one with a boat for 60 people. The man turns the rope around the pins, and when he surges it properly he can lower the boat better than with a man assisting him, because when there are two men they do not lower together, because the man behind has not got the weight and he might want to surge the rope when the one in front is not surging it.

Mr. BRIGGS. How many men would you have on the ropes if you were lowering a lifeboat containing 30 people?

Mr. O'BRIEN. One; just one able seaman and perhaps one man besides him who may be clearing up the ropes.

Mr. BRIGGS. But only one man playing it?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. Are the appliances and tackles used there of such a character that one man can control the weight of those boats?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. The tackle and poles are so constructed that one man can control that boat, at each end of the boat?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. There are two men on the boat?

Mr. O'BRIEN. Yes, sir.

Mr. BRIGGS. Two trained men; two able seamen?

Mr. O'BRIEN. They must be trained men for it; they must be skilled men. You could not put anybody at that kind of work.

Mr. KIRKPATRICK. Could not a certificated lifeboat man do it?

Mr. O'BRIEN. A certificated lifeboat man could not do it; he has not got the experience.

Mr. BRIGGS. I understand your contention is very much along this line, that there is the same difference between an able seaman and a certificated lifeboat man as there is between a trained fireman in your city fire department and a volunteer.

Mr. O'BRIEN. Just the same; yes, sir.

Mr. FREE. Do I understand the lifeboat men are not unionized; is that true?

Mr. O'BRIEN. Oh, they are.

Mr. FREE. They are unionized, too?

Mr. O'BRIEN. Yes, sir; in the deck department they are. in the seamen, and in the fireroom—everybody there is in the firemen's union. And in the cooks' department they are in the cooks' union.

Mr. FREE. Why, then, do the owners prefer to take the lifeboat men instead of able seamen? Do they have to pay them less money?

Mr. O'BRIEN. Naturally.

Mr. GAHN. On the Lake boats, you say, the able seamen are only required on the decks; is not that it?

Mr. O'BRIEN. I said that the able seamen are on deck.

Mr. GAHN. Now, I can not get it through my head—I have seen these Lake boats operate and have been on them—what the difference is between the able seaman and the certificated lifeboat man, so far as their duties on deck are concerned, outside of the operating of the wheel, as was testified to yesterday.

Mr. O'BRIEN. Why, there are numerous other duties.

Mr. GAHN. What are the duties of the able seaman that the certificated lifeboat man can not do, outside of operating the wheel, that you testified to?

Mr. O'BRIEN. An able seaman must be able to sound—take Lake soundings.

Mr. GAHN. Can not a lifeboat man do that?

Mr. O'BRIEN. Not to my knowledge.

Mr. GAHN. Why not?

Mr. O'BRIEN. In the first place, he has never had the opportunity. The vast majority of certificated lifeboat men are cooks and flunkies and bell boys. Those men have no opportunity to learn to take soundings with a lead sounding line.

Mr. GAHN. Who does take the soundings on the Lake boats? Do not the deck hands do it?

Mr. O'BRIEN. No, sir; the able seamen do it as a rule.

Mr. GAHN. Are not the deck hands able seamen?

Mr. O'BRIEN. No, sir; they are ordinary seamen. Those men are coming along and, if given the opportunity, will develop into able seamen.

Mr. GAHN. I would like to understand what Mr. Mills tried to bring out yesterday—why they need able seamen on the boat. What makes him so much superior to the lifeboat man?

Mr. O'BRIEN. In order to get something concrete, because to go into the ramifications and qualifications of an able seaman would require quite a little time, we have it boiled down right here.

Mr. BRIGGS. Just read it.

Mr. O'BRIEN. The ship and crew——

Mr. MILLS. From what are you reading?

Mr. O'BRIEN. From "A message to seamen. A call to the sea and to seamanship," issued by the International Seamen's Union of America at the time the country needed seamen.

The ratings of sailors, men in the deck department, are: Boy, ordinary seamen, able seamen (quartermaster or boatswain, etc., are able seamen assigned to special work). The able seaman is the unit of skill and efficiency in the deck department. The boy and ordinary seaman is learning to be an able seaman and from among the able seamen who have studied navigation, comes the officers and future masters of vessels.

The skill and experience in the engine department is of a different kind.

I do not think I will read that part.

Mr. BRIGGS. In other words, as I understand it, the difference between able seamen and ordinary seamen, is that the ordinary seaman is serving an apprenticeship during a certain length of time after which, after he serves satisfactorily for a certain length of time, he gets to be an able seaman. The able seaman is one who has served an apprenticeship for a certain length of time, which is satisfactory and, at the end of that time, if he shows the qualifications and he is sufficiently expert to do the things that are expected of him, he becomes an able seaman.

Mr. O'BRIEN. No, sir. He acquires that skill, of course, and has served a certain specified length of time.

Mr. BRIGGS. That is what I say. Take a man in the plumbing trade, after he has served a sufficiently long apprenticeship he goes along in the trade and finally becomes a plumber?

Mr. O'BRIEN. Yes, sir.

Mr. MILLS. But if he does not know anything, he becomes an able seaman in time, merely by the fact he has served a certain period of time?

Mr. BRIGGS. Is that true?

Mr. O'BRIEN. It may be true in that sense; he may be a man who served on ship for 18 months, or the ordinary length of time.

Mr. BRIGGS. Can they do that?

Mr. O'BRIEN. They can do that. I think they would not be carried on the ship that long if they were not competent.

Mr. MILLS. But if he was, he would get the rating of able seaman simply by making affidavit that he had served that length of time.

Mr. O'BRIEN. That is true. We asked for an examination for able seamen, as a matter of fact, in the last bill, and it was denied us.

Mr. MILLS. As a matter of fact, the only test is length of time?

Mr. O'BRIEN. Yes, sir; only time.

Mr. BRIGGS. Can any man of ordinary intelligence stay on a ship for three years without learning something, unless he is fit to be in an insane asylum?

Mr. O'BRIEN. I do not think so. In fact, the ordinary seaman could be rated as a boy——

Mr. GAHN. Can any certified lifeboat man stay on board a ship without absorbing some knowledge as to the operation of the boat?

Mr. O'BRIEN. Not if he is in the deck department. He will absorb knowledge in the same manner as the ordinary seaman does. The ordinary seaman is a certificated man.

Mr. GAHN. Can every able seaman lower a lifeboat?

Mr. O'BRIEN. If he can not, he should be able to do it, and I am sure he would not be carried very long by the officers if he was not able to do the work.

Mr. GAHN. The mere fact you call him an able seaman does not qualify him to lower a lifeboat, does it?

Mr. O'BRIEN. No; calling him an able seaman does not mean anything at all. When he goes on board ship, he has certain work to do, and if he is not qualified to do that work you can rest assured he will very soon be found out and not carried by the officers of the ship, and especially by his own shipmates, who would object to his presence there, because it would mean they would have to do his work as well as their own.

Mr. SCOTT. They did not do that when they had this controversy with the cooks. Evidently the cook dropped some soap into the soup or something, and he came back on. Now, suppose an inefficient, incompetent, and brainless seaman gets on a ship and the captain attempts to dismiss him——

Mr. BRIGGS. I never heard the cook dropped a cake of soap into the soup. I have never heard what the reason was for the controversy with the cooks.

Mr. SCOTT. I am only surmising.

Mr. O'BRIEN. If I may be permitted, I would like to conclude my testimony by reading into the record what the term "able seaman" means:

The term "able seaman," as used on board any ship, steam as well as sail, means a man who has had sufficient experience in deck service to acquire the skill in seamanship needed to perform the duties, routine and emergency, required in that service. Boatswains, quartermasters, etc., are simply able seamen assigned to certain positions.

The amount of gear and equipment used in the deck department on different classes of steamships varies greatly, of course, but it is a difference in degree, not in kind. The less gear and equipment the vessel may have, whatever her trade, the greater the skill needed in emergencies which no vessel can avoid. The deck crew of a steamer well supplied with rope and wire, lines and cables, booms, blocks and tackles, canvas, lumber, tools, and boats does not find it nearly so difficult to successfully meet emergencies as is the case on board a poorly equipped vessel. At the same time men can not learn a seaman's duties as quickly on a poorly equipped vessel as he can on one that is well supplied with gear of various kinds.

In reading the following partial description of a seaman's work it should be borne in mind that a sailor works on all kinds of ships and does not confine himself, can not confine himself, to one kind of vessel in any one given trade. When out of employment he can not remain idle, waiting until he can ship on a particular kind of a steamer, rigged and equipped in a certain way, but he ships—hires out—on any kind of vessel he can get, and so, of necessity becomes familiar with all classes of vessels, and must know his work in any or all of them.

Mr. SCOTT. Let me supplement that statement of Mr. Briggs's, who diverted my question.

Mr. O'BRIEN. I had not finished this. Now, here is what the work consists of:

The routine duties of the deck crew are so varied and the skill and knowledge required of able seamen is of such character as to be exceedingly difficult to describe. The following, however, will give some idea of the routine work

on steamships, what the seaman (sailor) learns while engaged in it, and how it therefore fits him for the numerous emergencies he must meet.

While on board ship in port the sailors are occupied mainly with preparing the vessel for sea. Much of the general work described herein is partially done while in port if there is sufficient time. The steering gear must be carefully overhauled, the wheel chains below decks taken down and, together with the wire rope, examined for needed repairs or substitution and set up again.

Mr. MILLS. You say the steering gear must be overhauled?

Mr. O'BRIEN. The steering chains.

Mr. MILLS. Just what do you mean by steering chains?

Mr. O'BRIEN. The ropes, wire, or chain that run from the wheel back to the rudder.

If they do not take part in the handling of cargo they must, at least, take care of the gear used in that work, in moving the steamer from one part of the dock to another, running lines, changing berths at the same pier, breasting her into a dock or springing her out, using heavy mooring hawsers and cables, holding on or surging with turns of the hawser around timber heads or bits—which I tried to explain yesterday.

Mr. GAHN. Tell us how that applies to the Lakes. On most of the boats there are no such things on the Lakes; they usually have machinery to do that on the Lakes.

Mr. O'BRIEN. They have ropes when they have machinery, too.

Mr. GAHN. Not on the large passenger boats?

Mr. O'BRIEN. Yes, sir; just the same. And the wires are more dangerous, in fact, than the ropes; because when you are handling a machine with the wire appliances then your skill must be acquired not only for the purpose of understanding the strength and amount of pressure the wire will bear, but also the amount of strain you are going to put on the engine which you are handling at the time. Continuing from where I left off:

* * * * or by compressor on a deck winch, putting the heaviest possible strain on the line without losing control by parting it.

A good deal of the painting of hulls is done in port. This is done from light staging—a narrow plank with or without crosspieces—constructed by the sailors and slung over the side by means of light but strong ropes, with use of hitches which will not jam but which are safe. Sliding down the rope to the narrow plank, which may be swinging more or less, especially when working over the bow or under the overhang of the stern, they work anywhere from close to the water to 50 or 60 feet above it, climbing back on the deck, shifting the stage after every fleet, making fast to the rail here, a cleat there, a stanchion there or any other safe and convenient holding place. An imperfect hitch or knot here means man overboard.

That is, after you have a space painted, you have to fleet your staging, climbing back on the deck, and then slide down in order to paint again.

While some of the crew is doing this, others are preparing gear and equipment, looking after the mooring lines, slacking off when too tight or heaving in when too slack; or if deck crew be small, one job is interrupted while more urgent ones are done.

The cargo out, loading is begun. Gear may have to be shifted, the hold cleaned out, or the vessel may proceed to sea light or in ballast, taken on board by longshoremen or sailors, hoisted, or otherwise, unless water ballast is used.

In many trades and ports, coastwise as well as foreign, the deck crews load and discharge cargoes. This consists in slinging it on the dock, hoisting it from the dock, and lowering it into the hold, or in

trucking it over a gangplank through a side port into the hold, where it is stowed away so that it will not be damaged and the vessel will be in proper trim; even where stevedores are employed the mate is responsible for the proper stowing of cargo, and he usually details some able seaman to assist him in seeing that the work is properly done. Or the vessel may be in open ports, of which there are many, and passengers and cargo may be landed in lighters, boats, or by use of special boats called surfboats, carried especially for that purpose. The cargo may be anything from small package stuff, handled in net slings, to a piano or an automobile, costly glass or china ware. In weight it may be from a few pounds to 50 or more tons. It may be lumber to be hoisted on board in sling loads or shoved in by hand and stowed in the hold, or it may be bales of wool or cotton to be stowed, or grain, coal, or ore to be trimmed.

Mr. GAHN. None of that hoisting by the seamen is done on the Lakes, is it?

Mr. O'BRIEN. Oh, yes; there is hoisting by the seamen on the Lakes. I have hoisted out many a cargo of railroad ties from the ship onto the dock, and that work is always done by the crew.

Mr. SCOTT. Do you mean to say the crew in loading lumber into ships would do that, especially the loading from the dock down into the hold?

Mr. O'BRIEN. Yes, sir.

Mr. SCOTT. How long have they been doing it?

Mr. O'BRIEN. They have been doing it longer than I can remember.

Mr. SCOTT. Is it not a fact they have an organization of the longshoremen's union and all the labor in connection with the loading of lumber is performed—both loading it from the dock onto the ship and from the ship into the hold and locating the cargo—is performed and done under the supervision and management of the longshoremen's union?

Mr. O'BRIEN. No, sir. The longshoremen on the Lakes want to do that, but we have fought against it and held that work, although it means more work for our men. We have always done that work and helped in the loading; and in some instances, where there are no longshoremen at all, we do all the work, and especially in schooners we load the ship completely, and when they are short handed we unload the ship, too.

Mr. KIRKPATRICK. Who actually gives the able seaman his certificate?

Mr. O'BRIEN. The United States Life-Saving Service, under the jurisdiction of the Secretary of Commerce. The statement was made that the able seaman's certificate was issued by the seamen's union. We have never had anything to do with the issuance of certificates whatever.

Mr. LAZARO. You stated a while ago that you had asked for an examination to be given to the able seamen before a certificate was issued.

Mr. O'BRIEN. Yes, sir.

Mr. LAZARO. You made that statement?

Mr. O'BRIEN. Yes, sir; we tried to get it.

Mr. LAZARO. What was the objection to that?

Mr. O'BRIEN. I could not tell you what the objection to that was, but Mr. Furuseth will be able to supply that. I was not at those

hearings; but I know we were trying to get an examination, and the Congressmen came to the conclusion it would be better not to have that.

Now, there is a considerable amount here on the qualifications of an able seaman.

Mr. BRIGGS. Can you not just put that into the record?

Mr. O'BRIEN. Yes, sir.

(The matter submitted for the record by Mr. O'Brien is as follows:)

In any case, the stowing must be properly done or cargo will be damaged and vessels are likely to be lost.

Ready for sea, an able seaman goes to the wheel. Lines are cast off or anchor weighed, cargo ports, if any, closed either partially, as on a short trip in good weather, or made secure and water-tight for a longer voyage or in bad weather. On passenger vessels the "emergency boats" are cleared away and swung out ready for instant use. Some passenger vessels send one man to the lookout in the bow, or the "crow's nest" on the foremast, immediately upon leaving port; others not until sundown or foggy. Freight steamers never, unless foggy or during night. On passenger ships the officer of the watch (one of the mates) goes to the bridge and takes charge as soon as the master is ready to be relieved, which is usually as soon as the vessel is out of port. Another mate, or, if not, then some able seaman, selected for the purpose, supervises and assists in the work of clearing up the ship, lowering or topping and securing cargo booms, etc. Any stays or other rigging needing to be set up are attended to, hatches are battened down, i. e., made water-tight, or put in condition to be made water-tight quickly; heavy "strong backs" (handled by hand or purchase) have been placed under the hatch covers, wood or steel covers put on, and the tarpaulins (heavy canvas, soaked with tar) fastened on. There may be anywhere from 3 to 36 hatches to be battened down.

On passenger vessels lower deck hatches may also be battened down, if there be men enough on board to attend to it. Usually there are not; it always ought to be done because of possible collision.

Lines are coiled away, blocks, tackles, and guys used in connection with the cargo booms are taken down, coiled up, and stored away; everything put into such shape as to permit all rope gear to dry thoroughly in preparations for overhauling and repair. Anchors are secured, fish tackle, if used, is unshipped and stored away, or canvas cover laced on to protect it from the weather. All hawse pipes, chocks, or other openings, leading into inclosed parts of the vessel are plugged or covered to keep seas from washing in.

Watches are then set if the crew is divided into equal watches; few passenger vessels in the coastwise or lake trade do this, but it is generally done in the over-sea trade.

In the general ocean trade, exclusive of large passenger vessels, each member of the deck crew, officers excepted, take a two-hour "trick" at the wheel and lookout, working around deck during the rest of their watch.

Clean ship. Wash decks, the outside of all deck houses, etc., using hose and brooms, afterwards seeing that all gear is in order and especially that rope gear is hung up; awnings and canvas weather cloths, when necessary, put up or taken down; fastenings and lacings are rope exclusively; care of these ropes, awnings, and weather cloths and their repair involves the same kind of work as is done on sails.

One sailor sounds the pumps hourly or every watch, watching for leaks, sounds all ballast tanks to note the amount of water ship is making, so that she may be pumped out when necessary (there is no such thing as a perfectly water-tight ship). The steering engine must be examined and oiled each watch, and when not actually in the engine room this is done by one of the deck crew; in fog or rain all exposed gear, signal halyards, tackles, etc., must be slacked off when shrinking too tight and likely to be damaged under the strain, and as they slack up when air becomes dry must be tightened again. Other work being done, the deck crew begins the overhauling of all cargo gear, working lines, cables, and hawsers for repairs. Stranded, chafed, or badly weakened parts are repaired by putting in a new strand, or the weakened part cut out entirely and the end put together again by a splice suitable for the line according to its use. New rope is uncoiled (a seemingly unimportant proceeding, but if improperly done the rope will be damaged and some parts of it rendered

nearly useless), measured off in lengths needed, new tackles rove off, new lines prepared, spliced into blocks, new pennants, whips, and slings made. Awnings, tarpaulins, boat covers, weather cloths, canvas caps and covers for ventilators repaired or new ones made. On longer voyages and in properly manned vessels all these things are done on board by the deck crew. Extra lashings are prepared for various uses, rope swabs made, standing rigging oiled or tarred from time to time, and numerous things of the same nature attended to. In a greater or less degree this work goes on in all classes of ships.

The man who expects to be known as an able seaman on a steamship must know the use of rigging screws, fids, marlin spikes, serving mallets, the palm and needle, calking tools, and most of the carpenter tools, the mixing of paints and colors; how to obtain strong leverages with bars, ropes, tackles; how to brace with wedges and shores, besides knowing the various knots and splices, and to worm, parcel, serve, and seize, with rope and wire, and must be able to hold up his end of a job when it comes to climbing and working in places where both arm hold and foothold is difficult. He must know the lead line, not only its marks, but how to use it to get correct sounding when the ship is in close quarters, the night dark, and the sea heavy, whether he stands in a smother of sea on a low freighter or far up the side of an immense liner. The compass, of course, is a familiar object to him, but he must know how to use it, how to steer the ship under all conditions, what to expect and how to meet it when he is steering across a current as well as with it or against it, through the swift rush of a narrows, passing at close quarters in and out of the suction of another heavy ship under speed, with the wind light or strong from any direction, heading into a heavy sea, taking in on either bow or quarter or abeam, under check or full speed, rolling and pitching heavily, or running before it, when a blunder may mean total loss of ship with lives and cargo. The man at the wheel must know his work, what to expect and how to meet it instantly, in calm or storm, daylight or dark, in clear weather or in fog. The man who learns to be a reasonably good helmsman in even three years is an exception, because, regardless of the aptitude of the individual, the personal knowledge of varying conditions, different ships, how they act under differing circumstances and familiarity with the various steering gears, can only be gained through experience necessarily covering a good deal of time. The steam steering gear, rendering less physical strength necessary and making possible the handling of larger ships, requires greater skill than the old hand method which permitted the man at the wheel to feel the increasing or decreasing rudder pressure and thus warn him of just how the ship was acting.

If you would be recognized as an able seaman on a sailing vessel, you must know and be able to perform the work above indicated, and in addition you must know and know the use of every part of the standing and running rigging of such vessel. You must know how to repair it, how to make new parts of the standing rigging, and how to place it on the masthead; you must know the running rigging well enough to find any rope in the darkest night and how to use it; you must know how to send down and send up spars, how to rig jury masts, jury rigging and jury rudder in case of necessity. You must know how to handle sail in all kinds of weather—how to take them in, how to reef them, how to furl them, how to cast them loose, how to stick out reefs, and how to set them. To know this is not enough; you must be able to do it in all kinds of weather, when it can be done, in the darkest night as well as in the light of day. You must be well enough inured to the sea to have your body at all times accommodate itself to the movements of the vessel and to do so unconsciously. Your mind and body must have been so developed by experience and contact with the sea that you have the coolness and resourcefulness needed to meet and overcome difficulties and emergencies. But these last are the necessary qualities of all seamen. They are needed on a steamer as well as on a sailing vessel. To quote from Bullen's *Men of the Merchant Service*, page 256:

"An able seaman, properly so called, is a skilled mechanic with great ability. On sailing vessels his place in calm or storm never can be adequately filled by the unskilled, however numerous, nor in steamships in emergencies."

However, even that which is considered the merest routine work requires considerable training and presupposes physical ability not common.

Painting, scrubbing, etc.—Prepared paint is seldom brought on board ship. The raw material is put on board and is mixed according to needs by the able seaman. Graining, filling, varnishing, and lettering is done as well as ordinary flat painting. Sailors become sufficiently skilled at this work to qualify as journeymen painters on shore. The deck crew cleans all outside parts of the

ship, except the funnel, from the mast and booms to the deck houses, decks, and sides of the ship. Some of this work must be described to show that there is more practice in it than simply scrubbing and painting.

Scrubbing and painting lifeboats.—Usually painted white. Covers removed and all gear taken from the boats; inside cleaned; boat lashings let go, boats hoisted clear of the checks; outside cleaned; boats lowered in place, gear the lashings replaced. When painting the same process is repeated.

Scrubbing and painting of masts.—Gantlines must be rove either through sheaves just below the eyes of the backstays (near extreme top) or through block carried aloft for that purpose. The sailor goes up the ratlines to the eyes of the lower rigging; from there he "shins" up the topmast to the eyes of the upper rigging, where he hangs on as best he can while some one on deck bends the gantline onto the signal halyards and hoists it to the man aloft, who reeves the gantline through the sheave, unbends the halyards, slides down the mast to the eyes of the lower rigging, bringing the ends of the gantline and the signal halyards with him; thence to the deck. If no signal halyards, such halyards are usually rove off first to be used in hoisting up the gantline. If no ratlines on the lower rigging, he must "shin" all the way up the shrouds of the lower mast and then up the topmast. When the gantline is rove it is bent onto a "boatswain's chair" (a short piece of board slung in a rope strap) and the sailor is hoisted back aloft. Reaching the highest point to which the "chair" can carry him, he is anywhere from 10 to 15 feet below the truck or extreme top of the mast. He gets out of the "boatswain's chair" and "shins" the bare pole to the very top, sometimes using a rope strap. Scrubbing materials are sent up to him on the signal halyards, and hanging onto the bare pole he works down in that manner until he gets low enough to swing himself into the "chair" again; after which he works down, lowering himself as needed by slacking away on the gantline, which he makes fast to the "boatswain's chair." Reaching the deck, he is hoisted aloft again and then goes through the same performance in painting, which may include gilding or painting the ball on top of the mast. Anywhere from one to three men work each mast. Where three men work, one takes the topmast, the other two the lower mast.

Ship's work of the nature described above continues unceasingly until bad weather sets in and heavy sea rises. Everything movable on deck must then be securely lashed, extra lashings are put on the more exposed lifeboats, some of the ventilator tops exposed to the wash of the sea are unshipped, canvas coverings lashed over openings, parts of hatchings left open for ventilation are closed and battened down, and as needed life lines are stretched along exposed sections of the deck. During the gale the watch on deck and sometimes the whole deck crew is constantly at work. Anything may break adrift, from a piano in the cabin in a passenger ship to a heavy cargo boom on deck, from paint pots in the forepeak to a spare anchor on the forecastle, from some cargo below decks or on deck to a lifeboat on the gallows; the deck crew must secure it whatever it is and put on the necessary lashings. A deadlight is smashed in, a hatch cover loosened, part of a rail broken, a ventilator cap torn off, a companion ladder getting shaky, a cargo port weakened and leaky; the able seamen must do whatever necessary to remedy the damage. No matter what kind of ship, no matter the trade, when the gale is on the deck crew finds no time for anything except to perform work immediately necessary for the safety of the ship and its equipment, aside from being prepared to meet the many grave emergencies that may arise. On such occasions they work often without any rest until so exhausted that they are absolutely unable to do any more.

The weather moderating, unusual lashings put on boats are removed, life lines taken down, parts of hatches reopened, ventilators reshipped, and in event any damage done it is repaired as far as possible at sea. In all this, excepting only in connection with the engine and boiler rooms, and sometimes even there, the deck crews, working under supervision of the deck officers, are called upon.

Routine work is resumed and continued. When no other work is immediately necessary some interior clipping of rust, scraping, and painting may be done inside or outside the hull, the towing hawser or anchor chains are overhauled and restored. Damaged rigging or damaged service on shrouds may have to be repaired, ratlines may have to be replaced, if of rope seized with marlin; if iron rods, with wire seizing; canvas covering used on some parts of the deck and on top of the deck houses may be ripped off and new stuff laid; life preservers overhauled and repaired; the ship's colors, signal flags, etc., kept in good condition. The work is never completed, because there are not men enough in the

deck crew, and some of it is done in sail lofts and by "harbor seamen" when the vessel is in port.

Nearing port, preparations are made for landing of passengers and discharging of cargo. Necessary gear is made ready, anchors ready, hatches unbattened, etc. The vessel may go to a dock in convoy of tugs, as in the case of a big liner, or may work her way in alone close enough for one of the sailors to slide down a rope and swing himself into the dock to take a line; or she may come to anchor in some harbor, a roadstead, or off the open beach, as the case may be. Passengers may be landed over gangplanks, cargo discharged by longshore gangs, or, if in bulk, scooped out by powerful machinery in ports where traffic is regular and heavy and the docks arranged for the purpose; or the cargo may be handled by the deck crew, as in some trades like that of the Pacific, some of the bay and sound steamers of the Atlantic, or the combination passenger and merchandise steamers of the Great Lakes; or, as in many parts of the world, passengers and cargo may have to be landed in boats manned by the deck crew, sometimes through heavy surf.

All vessels, steam or sail, carry lifeboats. One on a small sailing hooker, 2 to 4 on freight steamers, up to 30 or more on large passenger ships. The handling of boats in all cases, except at drills and when all boats must be used at the same time, is done almost exclusively by the deck crew.

The smaller class of vessels of all kinds lower a boat for general working purposes at every anchorage or port to communicate with shore, to run lines, etc., and man it by members of the deck crew. In all trades passenger steamers carry a working boat, handled by the deck crew, for general service in connection with ship's work.

The emergency boats, which are kept ready for instant lowering on passenger ships, are manned exclusively by members of the deck crew.

In rescue work at sea boats are manned entirely by able seamen if a sufficient number of such are on board. If able seamen are insufficient in number, the less experienced men in the deck crew fill out the boat crews, and when that is insufficient men from the other departments are necessarily used. The difference between the exhibition known as boat drill and actual service conditions and practice will be described later.

SOME EMERGENCIES.

Fire.—In event of actual fire the official fire alarm used on passenger steamers in fire drill is promptly dispensed with. The bridge or pilot-house and engine room is notified. Fire on deck or in the cargo is handled by the deck crew, getting help when needed from the engine department. When the fire is in the passenger quarters (the steward's department) the deck officer who responds with his crew of sailors takes immediate charge, his crew being assisted by the steward's men if necessary; when the fire is in the engine or boiler room or coal bunkers the deck officer with his crew promptly gets to the spot, but here the deck officer does not take charge as quickly, the engineer's staff usually being the best fire fighters for that part of the ship.

Stranding.—When vessel runs ashore and the immediate assistance of tugs or other vessels is not to be obtained, the ship must be lightened and worked off in some manner. For this purpose cargo and other heavy material may be transferred from one part of the ship to another or may be thrown overboard. Among other things to be done may be the carrying out of an anchor to help pull the ship off. If the kedge anchor will not hold, one of the large anchors, regardless of size or weight, must be taken out and dropped some distance from the vessel with a heavy hawser attached. This is done by the deck crew; two or four lifeboats may be lashed together, a heavy boom or spar lashed across, the anchor suspended from the spar under the boats, the hawser lightered by other boats if necessary. The anchor is taken to the desired distance, the hawser thrown off the boats sustaining it, and the anchor dropped by cutting the lashings holding it to the spar, whereupon the winches, capstans, or windlass may be used, putting the greatest possible strain upon the cable while the engines are backing or going ahead full speed. If another vessel appears to offer help, lines must be run between the vessels, and again the deck crew does the work, using the boats.

Wheel chains parting or tiller quadrant breaking; relieving tackle are hooked on, the steering is done "pulley haul" while repairs are made; in bad weather (the only time it happens at sea) this is always a difficult and dangerous job, requiring skill in every man assisting.

Collisions.—The damage must be ascertained, leaks stopped, and sinking prevented, or at least delayed, if possible. In this many things may be done, from dragging a sail or tarpaulin over outside of the injured spot to shoring down a lower deck opening over the damaged compartment to hold the pressure, shoring and bracing strained bulkheads, and, of course, clearing away boats ready to receive passengers, etc.

Loss of rudder.—Sails to be set for the purpose of steadying the vessel (most steamers carry sails on board ready to be bent on), a sea anchor, sometimes made in a hurry, used if necessary, while a jury rudder or some other contrivance for steering the vessel is rigged up.

Engines disabled.—The deck crew, with sail and sea anchor, must find some way to steady the ship and keep her out of the trough of the sea while repairs are being made.

Wireless gear aloft carried away.—It is the able seaman who goes aloft to repair the damage and the deck officer who directs the work.

BOAT DRILL VERSUS ACTUAL SERVICE.

Held weekly; first the signal for "fire drill" is given, calling the various members of the crew to their stations, lines of fire hose are pulled down, and perhaps some of the valves are opened. Immediately after this comes the signal for "boat drill," for which the crew is now waiting. They go to the boats to which they are assigned. In the assignment to boat stations the deck crew is divided between the various crews in such a way that one man from that part of the ship's crew will be in each boat, as far as their number will permit. In many instances, especially in steamers in the coasting, Great Lakes, and bay and sound steamers, the deck crew goes to the boats in advance and prepares them for the drill by letting go lashings, clearing away tackles, etc. The entire crew then proceeds to "drill," covers are pulled off (not always), boats hoisted from the chocks and swung out ready for lowering. In some cases the boat's painter is passed out and plugs put in place. The boats may or may not be lowered into the water. In event any of the boats are lowered, the job consists of simply lowering the lifeboat into the smooth water of the harbor. Oars are gotten out and some pulling is done. Boats are then hoisted up and placed in the chocks, after which the deck crew completes the job of straightening out the gear, releasing the boats, etc.

A ship in distress is sighted; passengers and crew need to be transferred. Five or six of the lifeboats are ordered away for this work. Be the weather good or bad, all boat-drill arrangement is dispensed with. The boats are cleared away and manned, not by their boat-drill crew but by members of the deck crews, as far as the deck crew is sufficient in number to man such boats. In any event every important position in such boats is filled by able seamen or men of higher rating from the deck department. At the steering oar, the stroke oar, and the bow oar are able seamen; and if the weather be very bad no more boats are lowered than can be manned with a majority of able seamen in each boat, and especially in all important positions. In a seaway with the ship rolling a boat must be lowered so as to avoid too great a swing and gotten away from the ship's side as soon as it is water borne, otherwise it will be stove in by smashing against the ship's side, swamped, or capsized. The boats are lowered one at a time, bumpers or cushions of sails or mattresses may be hung over the side, a bridle passed around the falls to check the outward swing, a line made fast to the lowest point that can be reached on the ship's side is passed into the boat, where it is used to check the outward swing, while others of the crew guard against the heavy inward swing with their oars laid so as to catch the force of the blow without breaking the oars. A sea painter is used, leading from well forward on the ship and into the boat, where, unlike the ordinary painter, it is not made fast, but is held by one man with one or more turns around the thwart to help keep her parallel with the vessel until it is time to let go, when it is used to shear the boat off from the vessel's side sufficiently to make possible the use of the oars. Perhaps the safety of the boat depends more upon this one man than upon any other that is in the boat until she is perfectly clear. The lowering of the boat must be done so as to keep her on even keel, and the two men lowering away at the tackles must work well together and understand their job, to which a knowledge of the sea is essential, or the boat may come down end on and spill the occupants out, or may be swamped even before the tackles

are unhooked. One at a time the boats are thus sent away. As they return with their loads the people must be hauled on board, boats hoisted, and in this nothing is done as in boat drill.

A technical description might be attempted, but would not be generally true, because things to be done, and sometimes, even more important, left undone, are as changeable as the ever-changing sea; nothing but the experience and skill coupled with the mental attitude acquired as the result of a seaman's daily work at sea can give to any person the qualities that go toward making rescue work at sea effective. On a steamer this can only be obtained in the deck department. The other departments require a high degree of skill, but it is of a different kind, acquired under different conditions, and for different purposes.

Perhaps the best description of the able seaman was by the master who said: "Joe has been with me for two years. I have never seen him appear to be wet or cold nor to be stumped by any work that came his way on board the vessel."

He must, indeed, be able to do any work that comes to him or to which he is placed, or he will, at the discretion of the master, be reduced in rating and wages, as provided in section 4612 of the Revised Statutes of the United States and by the maritime laws of all nations.

Up to the time when insurance had been so developed as to remove risks from the owner of a ship, and the responsibility to the traveler and shipper had been minimized and practically wiped away by a limitation of shipowner's liability, the shipowner insisted that four years of experience was little enough time to fit a man to take care of his property at sea, and so he insisted when appealing to legislators or by attorneys pleading to a court; he talks differently now.

Mr. BRIGGS. I would like to ask you one other question. not on that particular line. Mr. O'Brien, do you know of your own knowledge just why these small boats, or the boats that carry package freight, have failed to succeed on the Lakes in the last few years?

Mr. O'BRIEN. I do not know why they have not succeeded. But I know that in 1919 the concensus of opinion of the vessel owners was that they had an exceptionally good year.

Mr. BRIGGS. How many boats were idle on the Lakes then; do you recall what percentage of them were idle?

Mr. O'BRIEN. Since the passage of the seamen's act?

Mr. BRIGGS. Say last year, for instance.

Mr. O'BRIEN. I do not know whether any boats were idle with the exception of the *Kirby*, and I have been told the reason the *Kirby* did not run was—I am telling this from hearsay.

Mr. BRIGGS. I would not state that, then.

Mr. O'BRIEN. It can be found out from the Inspection Service, whether it is true or not. It was because there were defects in the boiler of the ship itself, and the Inspection Service would not allow her to run.

Mr. BRIGGS. How has cargo kept up on the Lakes in the last few years? Has it kept up pretty well, or fallen off?

Mr. O'BRIEN. The rates for carrying cargo were extremely high during the last few years. The competition for bottoms, for vessels, was so keen that the rates were enormous.

Mr. BRIGGS. Were all the bottoms used?

Mr. O'BRIEN. Yes, sir. In conclusion, Mr. Chairman, I want to say I have been sent here by the men who sail on the ships, whose lives are going to be placed in jeopardy by the employment of unskilled men, the men who will have to work with those unskilled men and depend upon them for lowering them and for the safety of their lives. That is in that proviso where it states that certificated lifeboat men have to be employed in lieu of able seamen.

Mr. GAHN. May be, it says.

Mr. O'BRIEN. May be employed.

(The committee thereupon took a recess until 2 o'clock p. m.)

AFTER RECESS.

The committee reconvened, pursuant to recess, at 2.30 o'clock p. m., Hon. William S. Greene (chairman) presiding.

STATEMENT OF MR. THOMAS CONWAY, OF BUFFALO, N. Y., REPRESENTING THE MARINE FIREMEN, OILERS, WATER TENDERS, AND COAL PASSERS' UNION.

Mr. BRIGGS. You have an official position?

Mr. CONWAY. I am general secretary of the Marine Firemen, Oilers, Water Tenders, and Coal Passers' Union.

Mr. Chairman and gentlemen of the committee, there has been a lot of things injected into this hearing. You have been told a lot of things that really this law will not cure or remedy and that it does not affect.

The CHAIRMAN. I would like to have this gentleman give his testimony and the committee to make notes in order to make inquiries after he concludes, rather than interfere with the witness when he is talking because it takes up a great deal of time and arouses discussions that are entirely unnecessary, and, to my mind, do not do any good on the bill. It only makes trouble for us and we have a lot of work to do and have other bills we must hear, and we can not devote all of the time to this bill.

Mr. HARDY. I think that is a wise suggestion.

Mr. BRIGGS. I think that is a good one.

The CHAIRMAN. I do not want to stop discussion or prevent anybody getting all the light they want. If anybody from the outside wants to ask questions I shall have to ask him to wait until the witness concludes.

Mr. CONWAY. The statement has been made or you have been told that the seamen's law has made the unions on the Lakes. I want to call to the attention of the committee that the Firemen, Oilers, and Water Tenders' Union has been in existence since 1888, and all boats that this bill affects have for 20 years, to my knowledge—that is, a vast majority of those boats have—employed members of our organization, therefore, the seamen's law is not responsible for the employment of the members of our organization. Now, Capt. Crosby stated cause the seamen's law only puts the firemen on three watches. The seamen's law could possibly only increase that vessel one man, because the seamen's law only puts the firemen on three watches. The boat formerly employed two watches, and as far as the seamen's law is concerned it only increased the crew one. It is true that the crew was increase three, but the Steamboat-Inspection Service are the ones that increased it by putting coal passers on there. The section of the law which say that men shall not be employed in the fireroom and on deck, or on deck and in the fireroom, the question of whether the boats shall employ coal passers is left to the discretion of the steamboat inspector, and there is no section of the seamen's law which says that that boat shall or shall not carry or employ coal passers,

but after investigation on the part of the steamboat inspector, the United States steamboat inspector, and he finds that for the safe navigation of the vessel it is necessary for the boat to employ coal passers, he puts on coal passers and not the seamen's law.

As far as the cook that was put on his vessel and concerning the claim that was put on by the seamen's law, there is no section of the seamen's law that deals with cooks. It is true that the second cook was put on his boat, but that was long after the passage of the seamen's law. The second cook was put on by the Shipping Board; the United States Shipping Board put the second cook on, not the seamen's law. So far as Capt. Crosby's boat is concerned, the seamen's law put one extra man on the vessel and that man was a fireman.

The two D. & C. boats that are laid up that we have been told are not going to run to Alpena this year, in so far as section 2 of the seamen's law is concerned, those boats have always carried three watches of firemen and it was so testified to by Capt. Simpson, representing that company. So the seamen's law put no extra firemen on either one of those boats, but the seamen's law did put an extra oiler and extra water tender on there. That is as much as section 2 of the seamen's law did. It put two extra men on the *Alpena* and two on that other one, of which I forget the name. As far as Mr. Davidson's boat is concerned the steamer *Sacramento* was not increased one by the seamen's law for the reason that the steamer *Sacramento* carried three firemen before the passage of the seamen's law; therefore, if she carries coal passers the coal passers are put on there by the steamboat inspectors and not by the seamen's law. The seamen's law does not say, and I have it here, that one coal passer shall be employed or ten. It says nothing whatsoever about the employment of coal passers.

If the United States steamboat inspector, after due investigation—and, gentlemen, let me call your attention to that—the steamboat inspector does not investigate with the crew; he does not come to the unions either to ask or find out any information. He goes aboard the boat and finds it out of condition. Those are practical men that are employed as United States steamboat inspectors to investigate, and if they find that the condition is such that for the safe navigation of the vessel it is necessary for the vessel to employ coal passers they put them on and they specify the number, not the seamen's law.

As far as the package-freight business is concerned, gentlemen, at Buffalo, the Great Lakes Transit Corporation, of which Mr. Davidson, who testified here, is now on the board of directors, have, I think, approximately 22 vessels. There is not one pound of ice with the exception of some small amount of ice in Lake Superior, and up until last Saturday there have been only three of those boats left Buffalo, and it is not because of the seamen's law that they are not running, but it is because of the lack of business; not the seamen's law. They can not get loads. To-day at Buffalo—there was when I left—at least, in the city of Buffalo, right in that harbor alone, 37 vessels loaded with coal, not taking it up the lake, but loaded with coal; had their crews there inspected, and they were tied up to a brick wall because they could not get loads to come down. It is not the seamen's law that is doing it, though.

Now, I want to tell you that section 2 of this bill, providing “that in all merchant vessels of the United States of more than 100 tons

gross, where the continuous run is 16 hours or more, excepting those navigating rivers, harbors, bays, or sounds exclusively, the sailors, oilers, and water tenders shall, while at sea, be divided at least into two watches," not only covers the Lakes but it covers the ocean. It covers the Pacific coast; it covers the Atlantic coast, and it puts the oilers and the water tenders back on the two-watch system. It does not only apply to the Lakes; it applies to the whole United States and every vessel running under the American flag. The oilers and water tenders on the coast have had three watches for years and years and years, and this bill is going to put them back on two watches.

You have heard a lot of testimony about the two watch or three watch for firemen on boats on short runs being unreasonable and unfair. I just want to call your attention to one line of boats, two vessels that have only a 55-mile run, the *Americana* and the *Canadiana*. Those boats go from Buffalo to Crystal Beach; from Crystal Beach back to Buffalo. They have three watches of firemen, and those firemen are kept busy all the time. The boat discontinues running at midnight, or shortly after midnight, but a vessel is not a horse or it is not an automobile. A vessel has got to be prepared and the vessel has got to be kept in condition and Capt. Simpson very frankly stated here to this committee that because a boat was at the dock was no reason that the crew was not employed. He very frankly stated that, and Capt. Simpson told the facts. It is true that the men have work to do every minute that they are there. This bill, if adopted by the Congress of the United States, means 84 hours per week for the firemen working in a temperature running anywhere from 115 to 140°. That is what this bill means—84 hours per week. Gentlemen, we work 56 hours a week now. The men in all the basic industries of the United States work 48.

We are not here asking you to reduce us down to 48, but we are here asking you to let us have what we have now, a 56-hour week, and when you stop to consider the conditions under which we work in the fireroom, as I said, in heat from 115 up to 140°, which was testified to in hearings past, when the law was adopted. I, myself, testified to putting a thermometer on my breast at a vessel at the dock at the lower lifeboat, that the vessel was 115°, and with that condition the boilers furnished just sufficient steam to run the auxiliary machinery. They talk about the shoveling of 2,800 pounds of coal in an hour. The shoveling of 2,800 pounds of coal is not a very hard job, but burning 2,800 pounds of coal is a different proposition altogether. You have got to keep your fire in condition. You have always got to keep it going, because the steamers only carry sufficient boiler capacity. You have got to get practically 100 per cent of what they are capable of getting, because if they carried more boiler capacity it would take up either crew or cargo space, and, therefore, they just carry sufficient boiler power to run the boats, and no more. If a boat does lay at the dock for a few hours, there are fires to clean, flues to blow, or repairs in the fireroom, keeping up the fireroom and one hundred and one other things that the firemen have to do. They say the seamen's law gave the three watches to the firemen. It did on some boats, but the steamboat inspectors gave it on the other boats.

I do not think we are unreasonable or unfair when we say to this committee and to Congress: Leave us the 56-hour week. Do not put us back on the 84-hour week. Some may say that it does not put you back, but it may put you back. The peculiar part of it is that the steamboat owners have at all times applied the extreme penalty of the law where they could; every time. They do not let up on the law; they apply that extreme penalty, and the extreme penalty of this proposed law is 84 hours per week, and the printers are asking now for a 44-hour week. I am not here asking you to reduce our hours; we are asking you to allow us to continue to work 56 hours. We work there in the heat and hours overtime, and there is not a boat but what there was a man testified here to, with the exception of Mr. Crosby, that he got any overtime for Sunday, and there is no passenger boat in the business on the Lakes that we get overtime pay on Sunday, and we are such a wonderful, strong organization and so powerful that at the peak of the wages, when everybody at shore was getting \$5, \$6, and \$7 and \$8 a day, we were getting from our employers the extreme limit of \$130 a month, and on those ocean boats we got \$125 a month to bring home to our wife and children to live on. Then they will try to tell you that we are gentlemen with horns at \$125 a month during the war with war-time prices and have my wife and children and the wife and children of the firemen on the Lakes live on it.

If that is unreasonable, if that was an unreasonable wage, I do not know how to be reasonable. Those gentlemen come here and tell you that there is practically a conspiracy; that the seamen's law has brought about a conspiracy between the engineers, masters, mates, and pilots and the three other organizations. Let me honestly and frankly say to you that I am an executive officer of the Firemen's Union, in closer touch, meeting with the representatives of the engineers in my daily work, going to lunch and coming back from lunch, and before my God I have never in my time been told by the engineers what they were going to ask from employers after or before they had asked it and after they had asked it. They blame the 10 months' contract on to the seamen's law. I defy any vessel owner on the Lakes or any place else to say that I have met him in conjunction with the engineers, or masters, or mates, or pilots to make any contract; and as far as pulling off the men is concerned, if that means the pilots or engineers, let me say this to you, that there was a time when the masters, mates, and pilots had a dispute with Mr. Shonts, of the Detroit & Cleveland Transportation Co., the biggest passenger line on the Great Lakes, and certain claims were made, and I answered Mr. Shonts, and I will file, if I may be allowed, later on a letter that I received back from Mr. Shonts on the stand and position I took in the discussion and disturbances, whatever you may call it.

We met last spring, everything as peaceful as it is here. We all shook hands at the end. Everybody was satisfied, and we got a very, very poor bargain, because the lake carriers paid \$5 in all cases more than we received in the contract, and although, gentlemen, we were accused at that time that if the lake carriers paid more money than our contract called for that we would demand from the passenger-boat owners the equal pay of that paid by the Lake Carriers' Asso-

ciation, and in reply I said, "Gentlemen, please do not accuse us of a crime before we commit it. Give us the opportunity and, by God, accuse us after we have committed it." And I defy them or anybody else to say that, although we have received anywhere from \$5 to \$15 per month less, that we asked them to meet that higher scale. We never went near them, and carried out our contract in its entirety. There is another thing here. In all those contracts there are two parties to the contract, and not only one side. The vessel owners are human, too, and they sometimes sin as well as others. As far as firing a steamboat is concerned, firing and shoveling coal under any conditions is not playwork. Shoveling coal under the conditions that we have to meet in the fireroom is extremely hard work, and as proof conclusive of that you can consider the clothes that a man wears when he goes down in the firerooms. You do not see him with an overcoat and coat and vest. He goes down there with overalls, woolen shirt and jumper, and when he is down takes his jumper off and works in his undershirt; and there is gas from those furnaces, as most of those have forced gas draft furnaces. I have in my day seen men hoisted right out of the fireroom, and it was not because, as some will say, that they were drunk either, because I fired for a good many years, and I do not know the taste of liquor.

I am willing to answer any question that may be propounded to me on section 2 of this bill. I am not an authority as a sailor and do not know anything about a sailor. I am simply a fireman and have done nothing else outside of representing that organization. That I do all my life time.

Mr. BRIGGS. Under the ruling of the chairman, I think you may conclude your remarks.

Mr. CONWAY. That concludes my remarks, and I will be glad to answer any questions.

Mr. GAHN. You spoke about the firemens' work while the ship was in port. Is there any difference between the character and severity of his work at that time than when the ship is at sea?

Mr. CONWAY. The severity of the work is in some degree different.

Mr. GAHN. Explain what that difference is.

Mr. CONWAY. All the vessels that this bill will affect it affects with equal force in port. Take for instance, the longest run that I know of, which I think is the Detroit and Buffalo run, approximately 15 hours. As that boat gets into Buffalo about 9 o'clock, Buffalo time, the men on watch clean a certain number of fires. Cleaning a fire is this. Take a great big slice bar weighing from 35 to 40 pounds and perhaps a little heavier, and you open up the furnace door and shove the good fire to one side of the furnace. You then take a big hoe weighing from 30 to 35 pounds, and pull the clinkers and dirt out of it off on one side. You then wing your fire back with your slice bar and you pull out your dirt and clinkers from the other side, then you spread your fire and then you have your ashes to handle. That is only one fire. A man can clean a fire, and clean it right, in about 35 or 40 minutes if there are not clinkers. You know coal runs and sometimes I have had to use water in fires, shove it to one side, and the clinkers were so bad, sticking to the grates, that I could not get the slice bar under them, but I took a

pail of water and threw it in to break the clinkers up. Then you have got the flues to blow. There is nobody employed aboard a freight boat that there is no work for. It is hard for me to come here and tell you every movement of a fireman.

Mr. GAHN. I did not want that, but as a matter of fact is the fireman's work considered lighter in port than at sea?

Mr. CONWAY. You do not have to shovel so much coal.

Mr. GAHN. Is it lighter work?

Mr. CONWAY. There is much more gas.

Mr. GAHN. What do you mean by gas?

Mr. CHINDBLOM. It is easier work.

Mr. CONWAY. I do not think it is much easier in port on these boats. The fact is that on one boat one company voluntarily without request from the seamen put three extra men on board, and there is a man sitting in this room whose boat carries more men than he is required to carry.

Mr. GAHN. Do the men work their full time on shore just as at sea?

Mr. CONWAY. Absolutely.

Mr. GAHN. Without exception?

Mr. CONWAY. Without exception.

Mr. EDMONDS. Is that while you are at the wharf or while loading it at night?

Mr. CONWAY. You have got to keep steam always, the auxiliary machinery uses steam.

Mr. EDMONDS. You are using forced draft?

Mr. CONWAY. No; a man to open your doors, the forced draft not being there, you are getting more draft than if there was a draft there to take the smoke up, because the flues with the forced-draft boats have retorts, and the draft is not there.

Mr. EDMONDS. Did you have coal passers on the lake on some of the smaller steamers before the La Follette bill?

Mr. CONWAY. You had combination coal passer and deck hand.

Mr. EDMONDS. The coal passer is a new employee since this act went into effect?

Mr. CONWAY. Yes; when the conditions were shown to the committees, I think that they were so shocked that there was not one objected to that section.

There was not one objection to that section. To give you proof we had a man in the fireroom where it was 115° to 130° up in zero weather when it was freezing on deck, and showed them the boats where the ice was on and the men had to go and handle the line out of the fireroom, and prove that the percentage of sickness was greater in 8 months than it was in 12 months on either one of the coasts; that was the only spot that I have ever heard of in the whole world where they employed a man in the fireroom and then employed him on deck, too, the only place in the world.

Mr. HARDY. Was that unusual hazard in the fireroom? Was that the reason why more watches were required, three instead of two?

Mr. CONWAY. Yes, sir.

Mr. HARDY. Did you go into the testimony, you and others here, with reference to the extra hazard of the work in the fireroom and going back on the deck?

Mr. CONWAY. Yes, sir.

Mr. HARDY. All that was gone over week after week and month after month when this bill was passed?

Mr. CONWAY. Yes, sir. I did not even hear a vessel owner object to it in the hearings.

Mr. EDMONDS. Let me ask you in regard to the firemen: A boat goes out with two or three firemen in the daytime. That is necessary, but the boat gets in and lays up all night. Do you have three firemen on all night?

Mr. CONWAY. I do not know of any boat that does that.

Mr. EDMONDS. Are not some of these boats laid up for the day when they come into port on the regular runs?

Mr. CONWAY. Mr. Newman's boat leaves Cleveland at 9 o'clock and gets into Buffalo at 7.30 and 8 o'clock.

Mr. EDMONDS. From 7.30 o'clock to 9 o'clock, and when they are not running?

Mr. CONWAY. No.

Mr. EDMONDS. Is the same fireroom force required in the port as while the boat is running?

Mr. CONWAY. Yes; because the boat is shifting, running pumps, running auxiliary machinery, and you could not have just sufficient men for a minimum amount of work. You have got to have sufficient men to take care of the maximum amount of work.

Mr. EDMONDS. I was just wondering whether it was a requirement of the union?

Mr. CONWAY. No.

Mr. EDMONDS. It is a regulation requirement?

Mr. CONWAY. Yes.

Let me call your attention to Mr. Shonts's boat on a run of seven and one-half hours between Detroit and Cleveland. They used to employ these men for two watches before the seamen's law; employ them in three now.

Mr. EDMONDS. Tell me about the sand boats. They say they have got to carry extra firemen on the sand boats that lay up all night.

Mr. CONWAY. I do not know much about the sand boats. Our men are not generally employed on sand boats, and I am not going to testify to anything to this committee that I am not positive of.

Mr. FREE. What about the boats that carry the pulp wood where they get a load for two or three days?

Mr. CONWAY. That was Capt. Crosby's boat. He claimed the seamen's law put three or four extra men on, but it was not a statement of the facts.

Mr. FREE. What he claims, as I recollect the testimony, was that they took this run and then went into port, two or three days loading there, so that they have a lot of these men during that period and some were idle during unloading.

Mr. CONWAY. Mr. Congressman, on this boat there is much repair work to be done, not only keeping up steam but keeping the boat pumped out. Those are wooden boats and they look, the same as Congressman Scott said about Mr. Rogers's boat, that it was an old hulk of a boat. These boats are about the same as Capt. Crosby's.

Mr. EDMONDS. The firemen do not do calking?

Mr. CONWAY. No.

Mr. EDMONDS. What are they used at in repairing?

Mr. CONWAY. Machinery.

Mr. EDMONDS. Do they repair machinery or do they require mechanics?

Mr. CONWAY. The firemen always repair machinery. They assist and the engineer oversees.

Mr. EDMONDS. Do they do the same thing on the Lakes?

Mr. CONWAY. I have done most every kind of conceivable work that it was possible to do in the engine room when I was fireman aboard a steamboat.

Mr. EDMONDS. Do firemen clean boilers and tubes?

Mr. CONWAY. Yes.

Mr. EDMONDS. Do they tighten up nuts and bolts under the engineer's supervision?

Mr. CONWAY. Yes; they do everything they are told.

Mr. EDMONDS. Do they do it to-day?

Mr. CONWAY. Absolutely.

Mr. EDMONDS. They do not go out and get machinists to do that sort of work when they get to landing places?

Mr. CONWAY. Absolutely. One of our members working on the *Juanita* as an electrician, and a representative of the electricians' union came down while at the dock. He said, "What are you doing here?" The man said, "I am repairing this electric work." He said, "You should apply to the electrician for that." He said, "Go and see Conway." He never came to see me. It is well known what I would tell him; that I told the fireman to do even the taking out of the staples and they want all that work done by the firemen and have been striving to get the vessel owners to say that, but somehow we can not get cooperation from them to do that work.

Mr. FREE. How many months did you work in the year?

Mr. CONWAY. In some of the boats we worked 75 days, as Mr. Thorp said. He has got one boat that employs the crew 75 days and then he has a crew out here. The majority of them are laid off when she is there. We do not get paid when we do not work.

Mr. FREE. What do you do the rest of the year?

Mr. CONWAY. Care for the ship and do the best we can, and are thrown ashore.

Mr. SCOTT. At the present time and for several years past the coal passers have had a definite character of work?

Mr. CONWAY. In port they do anything they are told.

Mr. SCOTT. Let us see whether that is so. Here is a ship one day which stops at the Detroit River for coal. The coal bunker was entirely filled and some of the surplus coal spilled out on the deck while they were loading it into the bunkers. As soon as the coal was settled into the bunker the captain asked the engineer to ask the coal passers to shovel the coal from the deck into the bunker. Is that part of their work?

Mr. CONWAY. No; that was at sea.

Mr. SCOTT. No; this was at the dock.

Mr. CONWAY. No; she had left and the coal had sunk down after they had used sufficient out of the bunker.

Mr. SCOTT. I am confining myself to the facts that are presented to me. The coal passers refused to shovel the coal into the bunkers.

The captain then asked the deck hands to shovel the coal. Is that part of their work?

Mr. CONWAY. Yes; it is.

Mr. SCOTT. The deck hands insisted that they were not employed to handle coal, and so finally the captain and mate were compelled to shovel in the coal themselves.

Mr. CONWAY. Will you be kind enough to tell me the name of the boat?

Mr. SCOTT. Yes; it was one of the Charcoal Iron Co.'s boats.

Mr. CONWAY. I have never heard of that company. What is the name of the boat?

Mr. SCOTT. You have never heard of the Charcoal Iron Co.? It is a very large concern.

Mr. CONWAY. No.

Mr. SCOTT. Then you have missed something, because they are a tremendous concern. They have at least five furnaces in the north end of my district.

Mr. CONWAY. How many steamboats have they?

Mr. SCOTT. I do not know.

Mr. CONWAY. There are many big concerns ashore that I have never heard of.

Mr. SCOTT. Yes; a boat with a registered tonnage of 2,500 tons. Prior to the enforcement of the act she was navigated by 18 men, so that she must be a fairly good-sized ship.

Mr. CONWAY. Yes; they have very small crews on the Lakes.

Mr. SCOTT. I have not the name of the boat.

Mr. CONWAY. All of those boats have smaler crews than any place in the world.

Mr. SCOTT. After the coal is put there into the bunkers and spills out on the deck and the boat passes the dock the coal passers can not go up on deck and shovel the coal?

Mr. CONWAY. It is not fair to ask a coal passer to come out of a hot fireroom and onto the deck. If they do it in the summer, they will have to do it in the winter.

Mr. SCOTT. I presume.

Mr. CONWAY. I think it is unfair and unreasonable and inhuman.

Mr. HARDY. They were in a sweat box below and it is cold up there.

Mr. CONWAY. And if they start doing it in the summer the practice will become law and they will have to do it in the fall.

Mr. SCOTT. In your statement you said this law only required the ships to put on one extra man.

Mr. CONWAY. Yes.

Mr. SCOTT. You meant firemen or coal passers?

Mr. CONWAY. I specifically stated Mr. Crosby's boat that he talked of, that he claimed the seamen's law put three or four men on.

Mr. SCOTT. You do not claim that in all cases under the seamen's law it simply requires the ship to put on one extra man?

Mr. CONWAY. If they formerly carried 4 they now carried 6, and on Mr. Newman's boat, where they carried 16, they now carry 18, and on Mr. Shont's boats—*The Eastern States* and *The Western States*—where they formerly carried 9 they now carry 9, and long before the seamen's law they employed 9 and employ the same number now.

Mr. SCOTT. You do not mean to say that in all instances the seamen's law simply compels the ship to put on one extra man?

Mr. CONWAY. No; but I do mean to say that on the boat Mr. Crosby testified to having three or four men that they had only one man. That is what the seamen's law did.

Mr. SCOTT. One fireman?

Mr. CONWAY. Yes; and I do not think there can be any contradiction of that.

Mr. FREE. Are you opposing the lengthening of the season?

Mr. CONWAY. There is only one thing I want you to do for me and my people. We work in a hot fireroom, and at the time of an accident I want you to provide a reasonable opportunity to leave the vessel at the time of the accident. I think I am as well entitled to it as people in a theater, for whom they furnish fire escapes and all the different things. All I want is a reasonable opportunity, and my experience on the water is that I want a lifeboat. If this committee wants to assume the responsibility of extending the season in so far as the traveling public is concerned, please furnish sufficient boats for the firemen to get into. We want the boats; we do not want the life rafts or the preservers, as we would not last as long in the water coming out of the fireroom, because we can not stand it.

Mr. GAHN. On the Great Lakes all the freighters have 100 per cent lifeboats all the time.

Mr. CONWAY. Yes.

Mr. HARDY. Was that the reason you are speaking of—the reason for this provision of the seamen's bill; that the seamen shall not be shifted alternately to work in the fireroom and on deck?

Mr. CONWAY. Yes; and there was not even a vessel owner and I do not think it can be found in the hearings, where one single vessel owner objected to it.

Mr. SCOTT. In most of the passenger vessels now they have self-blowing flues?

Mr. CONWAY. Yes. They are automatic, and they blow them by hand. Any one of them is automatic, but you will find the hand-flue blower.

Mr. SCOTT. It is not the same as the old system?

Mr. CONWAY. No; in the old system we used to blow them by hand. We still blow them by hand every day, because the automatic flue blower gets short and leaves two or three at the top and bottom that it does not touch.

Mr. SCOTT. That is all I want to ask.

Mr. JEFFERIS. You state here that this law was changed to be applicable not only to the Great Lakes, but to the ocean as well.

Mr. CONWAY. Yes, sir; and it is a change in the present law, as far as the ocean is concerned.

Mr. EDMONDS. That only applies to short trips.

Mr. CONWAY. It applies to all boats, irrespective of the length of trip, in so far as oilers and water tenders are concerned.

Mr. EDMONDS. Only to short runs, for firemen.

Mr. CONWAY. The 16 hours would apply on the ocean, too.

Mr. EDMONDS. The 16 hours' run will apply on the ocean?

Mr. CONWAY. If it happens to get into port, it will apply to practically every coastwise vessel.

Mr. SCOTT. Connected with the coastwise trade?

Mr. CONWAY. Yes.

Mr. SCOTT. It would not apply on transatlantic or transpacific business?

Mr. CONWAY. In reference to oil and water tenders, undoubtedly, yes; there is no question.

Mr. EDMONDS. This affects the oilers and water tenders both on the ocean, and the firemen; does it not?

Mr. JEFFERIS. What is meant by continuous run of 16 hours or more?

Mr. CONWAY. I did not draw the bill.

Mr. JEFFERIS. I am trying to find out something.

Mr. CONWAY. It is a continuous run. I can run practically from Duluth to Buffalo with a 16-hour run, if they will let me, in 16 hours.

Mr. SCOTT. That has been interpreted to mean trip run from one terminal to the other.

Mr. CONWAY. By the courts.

Mr. JEFFERIS. It does not mean reverse and come back.

Mr. CONWAY. From one terminal to the other, from Buffalo to Detroit, and from Detroit to Port Huron, and Port Huron to Mackinaw Island, and Mackinaw Island to the Soo, and from the Soo to the Portage, and from the Portage to Duluth.

Mr. JEFFERIS. Just one continuous run.

Mr. CONWAY. It stops within 16 hours all the time. It makes any of those ports within 16 hours.

Mr. SCOTT. The trip run on the D. & C. has been interpreted that way.

Mr. CONWAY. That is your interpretation.

Mr. SCOTT. That is the interpretation. That is easily corrected in a bill.

Mr. CONWAY. We have been 22 years trying to get the other.

Mr. SCOTT. Possibly if they had paid a little more attention to it and not made a joke out of it you might have gotten more relief.

Mr. HARDY. I certainly do not like that sort of expression. Here is a bill which Members of Congress have made up.

Mr. SCOTT. You misunderstood my statement.

Mr. HARDY. I must have misunderstood it.

Mr. SCOTT. The people on the Great Lakes have felt all along that this law can not and would not work on the Great Lakes. I may be doing an injustice to them but that is the viewpoint I take of it, and instead of coming down and laying their cards out on the table and explaining the exact situation on the Great Lakes and attempting to bring about relief, they simply leave it in the dark as far as the Great Lakes are concerned and utilize what testimony and information they have and drafted this law, and I really feel that the committee was not made familiar and it was impossible for them to get familiar, and that with the facts affecting the Great Lakes this law would have been modified in respects.

Mr. CONWAY. Let me call your attention to the fact that in the hearings which I attended on the seamen's law, not only were a large number of men here representing vessel owners, that are here now, but all the lake carriers and all the vessel owners of every class of freight,

lumber carriers, were down here at times and they all testified before the committees.

Mr. SCOTT. What is meant by trip run in my bill? What I intended it to mean, and I have not any particular pride in phraseology, as I am perfectly willing to have it mean what it is intended to mean, is that by trip run I meant that a trip run is where a ship is scheduled on a regular route. To illustrate, the D. & C. has a run from Detroit to Mackinaw Island. That is their regular run, and the amount of time consumed in the run constitutes their continuous sailing time. That is what was meant.

Mr. CONWAY. But, unfortunately, Congressmen, you may have all the well meaning in the world so far as your interpretation is concerned, but will all people interpret it so?

Mr. SCOTT. They will when we get through with it.

Mr. CONWAY. A continuous run; 16 hours' continuous run. If a boat stops, it is not continuous. Say, for instance, I run from Buffalo to Detroit and it takes me 16 hours; I stop. Then I leave Detroit for Port Huron; I stop. I leave Port Huron and go to Mackinaw Island; I stop. I go from Mackinaw Island to the Soo; I stop. I go from the Soo to the Portage; I stop. I go from the Portage to Duluth and stop. All of these runs are passenger boats and less than 16 hours. I do not think they will all do it in less than 16 hours in some of those boats.

Mr. SCOTT. It will take in boats that have a run of less than 16 hours.

Mr. CONWAY. Will it take in boats between coastwise points, boats running on the coast, 16 hours or less, no matter how many stops? They may stop two hours.

Mr. SCOTT. No.

Mr. CONWAY. They may stop two hours at a port. I am not a lawyer. I do not want to go into that question.

Mr. HARDY. Were not the lake boat owners down here at hearings previously in reference to what should be classed able seamen on the Lakes and in every way looking after lake interests?

Mr. CONWAY. About five times before this hearing.

Mr. HARDY. Those hearings extended from 1913 to 1915.

Mr. CONWAY. At one time I was down here before the Committee on Commerce for 30 days.

Mr. HARDY. The Senate committee?

Mr. CONWAY. Yes; the Senate Committee on Commerce—for 30 days. That was the time when there was some impeachment proceedings going on of some judge in Pennsylvania—Archbald.

Mr. JEFFERIS. You have stated here also that the steamboat inspection law has been the cause of the increase of the number of men on some of these vessels.

Mr. CONWAY. Yes.

Mr. JEFFERIS. Can you tell us a little more about that?

Mr. CONWAY. The only thing you can tell is that the law says that the boats shall be certificated as the steamboat inspector thinks reasonable and as she can be reasonably safely navigated, and if investigation finds that for the safe navigation of the vessel the vessel should employ coal passers he puts coal passers on. And if he finds that it does not need coal passers—and there are boats that do not carry coal passers—he does not put them on, as the seamen's law

does not put on any coal passers, and nobody by any stretch of imagination can say that the law does put coal passers on.

Mr. SCOTT. When was the order made by the Secretary of Commerce and Steamboat Inspection Service compelling them to put on coal passers?

Mr. CONWAY. When was the order made? There was no order made. The law was changed to read that no man should be employed in the fireroom or on deck and in the fireroom. They could not be taken, in other words, from one department to the other, from the deck to the fireroom or from the fireroom to the deck.

Mr. JEFFERIS. That is the seamen's law?

Mr. CONWAY. Yes; but the law does not say that she shall carry extra coal passers. The steamboat inspector gets aboard the vessel and inspects the vessel and while inspecting the vessel he certifies the vessel for the number of men to be employed, and if the boat does not need coal passers in the judgment of the inspector for the safe navigation of the vessel, he does not put coal passers on. If she does need coal passers for the safe navigation of the vessel, in the judgment of the United States steamboat local inspector, the coal passers are put on.

Mr. SCOTT. And then it is not by general order.

Mr. CONWAY. No; it is all to the judgment of the inspector.

Mr. EDMONDS. Did these coal passers get on there when they are required by the Commissioner of Navigation, because the firemen refused to pass coal?

Mr. CONWAY. No, sir; the fireman has to do as he is told out on the Lakes.

Mr. EDMONDS. If you have a small boat, possibly five or six tons, do they put coal passers on that boat?

Mr. CONWAY. Yes; if in the judgment of the local inspector it is necessary for the safe navigation of the boat.

Mr. EDMONDS. They did that before the passage of the seamen's law.

Mr. CONWAY. Yes. Let me tell you what used to happen to the coal passers before the seamen's act on a boat, when I was employed on the steamer *Chicago*. We got into Buffalo. This is an instance of what used to happen. Coal passers go on watch 12 o'clock midnight. I would be in my fireroom from 12 o'clock at midnight to 6 o'clock in the morning handling ashes and passing coal and assisting the firemen. We would get into Buffalo at 6.30 o'clock and pull up to the freight dock. The coal passer would then become a deck hand and go on deck. The boat would have to take a load of package freight, and between deck loads they would take so much freight off and have it off by noon. We would have three or four holds of grain. The deck hand who was a coal passer outside was working all morning around the dock and cleaning up the mess made by the package freight.

Then they would shift to the elevator and the coal passer-deckhand would go up and handle the lines and sometimes he would be at the elevator all that night. If she went to one of the one-legged elevators, Mr. Deckhand-Coal Passer had to sweep the grain after the scoopers came along. He would work all night. At 7 o'clock in the morning she would go back to the west-bound dock and they would

load the vessel with packet freight all day long and Mr. Deckhand-Coal Passer was up shifting her from one end of the dock to the other and handling dunnage and keeping her clean and she would clear at 11 o'clock that night loaded with packet freight and Mr. Deckhand would be up all day and go on watch at night. The general practice was that the deckhand could only last one trip and he was discharged because he was played out at the end of it.

Mr. SCOTT. When did they sleep—in the winter time?

Mr. ROSENBLUM. That is when they fish.

Mr. CONWAY. It is a well-known fact that the deckhand-coal passers' hours of labor were a 26-hour day.

Mr. SCOTT. If they did that on the ship from year to year, where did they finally get their deck hands?

Mr. CONWAY. That is where the 1,300 or 1,400 per cent turnover occurred, where the young American came on shipboard and stayed on the boat for 8 or 10 days and finding the conditions, and being an American hunted up another vessel and tried it out there and finding the condition there exactly the same, tried another vessel and at last gave up.

Mr. HARDY. Is not that the reason you seamen worked for 20 years trying to get some protection?

Mr. CONWAY. Absolutely. The same men that owned the vessels then all own them now. Leaving it to their judgment, is there any reason that we object? Is there any reason that we would agree to go back to conditions where men were worked as long as 36 hours, and, Mr. Congressman, if it is, we will soon change it. We have been 21 years trying to get it and that is a long time.

Mr. SCOTT. You were trying to get a bill then?

Mr. CONWAY. Yes; we were assisting. We were telling Congress the conditions just like we are telling the truth here now. I think the committee was in the same frame of mind then as you gentlemen are here now.

Mr. JEFFERIS. Does this steamboat-inspection law place discretion in the local inspector to decide the number of men that these different boats shall have?

Mr. CONWAY. The number of coal passers; yes.

Mr. FURUSETH. The whole crew.

Mr. JEFFERIS. How about the other employees?

Mr. CONWAY. The law says that the firemen on all boats of 100 tons gross or over, that the firemen shall be employed three watches and you can not work one man three watches.

Mr. MILLS. Irrespective of the length of run.

Mr. CONWAY. The length of run does not make it any different.

Mr. MILLS. The length of day work, whether he works the four hours or whether he works the eight hours.

Mr. CONWAY. I never heard of a fireman working that.

Mr. MILLS. As far as the law is concerned.

Mr. CONWAY. I know of no boat that works firemen only four hours. A steamboat is not a locomotive. A passenger locomotive fireman comes into the dopt with the train and the hostler takes the engine to the roundhouse and the hostlers in the roundhouse prepare the engine and get her in shape so that the next fireman gets on board and gets the steam up. It is not so in a steamboat. The fire-

man does all the hostler's work and much more than is done on a locomotive, and as far as letting the fires go out, it is much more profitable for the steamboat to keep the fire going all the time on these boats than the bill will affect, the passenger boats.

Mr. MILLS. Prior to this law, what did they work the firemen on those boats?

Mr. CONWAY. Eight hours on some boats.

Mr. MILLS. Three watches?

Mr. CONWAY. Yes; a 56-hour week and an 84-hour week in two watches.

Mr. MILLS. Before the act went into effect, were there any of those boats that worked the firemen 12 hours a day?

Mr. CONWAY. Twelve continuous hours?

Mr. MILLS. Twelve out of 24.

Mr. CONWAY. Some, yes; most of those boats, yes. But let me call to your attention about operating boats here. I do not know if you were here when Mr. Newman testified that it only made an addition on this boat that carried 15 firemen, that it only made an addition of 2 firemen in three watches, and this is when everybody is getting an 8-hour day and a 48-hour week. It is not asking too much to come here and ask you to let us retain the 56-hour week when everybody ashore in the basic industries of the country are getting a 48-hour week, and we work Sundays without extra pay. We work all the time.

Mr. JEFFERIS. Do you insist that this seamen's law has been the cause of the increase of the number of men on the boats? You contend that it is not the seamen's law that increased the number of men or caused the increase, but that it is the Steamboat-Inspection Service that determines and requires a certain number of men to run these boats. Is that true?

Mr. CONWAY. That is true; the steamboat inspector certifies the vessel and he certifies the vessel crew. He tells the number of men to put on the vessel; the seamen's law did not tell you that.

Mr. HARDY. Is it not true that until the passage of this law the Steamboat-Inspection Service had no restriction, but that after the passage of this law they had to have a crew sufficient to carry out the provisions of the law?

Mr. CONWAY. That is true about boats anywhere. The testimony given before this committee is that the seamen's law, as Capt. Crosby said, the seamen's law has put four extra men on his boat. It is not true. It only put one man on the boat. Capt. Davidson says that the seamen's law put 5 on, from 18 to 23, and the fact is that he only put 1 extra man on, and that was an oiler.

Mr. SCOTT. Then you are just going right back on your tracks. Mr. Jefferis asked you a question whether or not the seamen's law put any extra men on ships or whether there was a regulation by the Department of Commerce. You said yourself that was true, that the seamen's law did not put a single living soul on.

Mr. CONWAY. I do not think I would have said that.

Mr. SCOTT. It was in substance.

Mr. CONWAY. I do not think so.

Mr. LAZARO. I think the misunderstanding came about because the witness has made a detailed explanation of the part the law played

and of the part the Steamboat-Inspection Service played before Mr. Jefferis came in.

Mr. JEFFERIS. Doubtless. The witness answers in regard to coal passers and had that in mind.

Mr. SCOTT. Your testimony is only directed at the coal passers and firemen and the water tenders. You are testifying as to the number of men, extra men, that were put on, the firemen, water tenders, coal passers, under that law. You are not attempting to testify to the number of extra men required by the seamen's law or number of able seamen.

Mr. CONWAY. The boat that I spoke of was Capt. Crosby's boat, and if you will remember, he testified that the seamen's law put three or four extra men on the boat, and I claim it did not.

Mr. SCOTT. Let us see whether that is right or not. How many extra firemen did it put on?

Mr. CONWAY. One.

Mr. SCOTT. How many extra oilers?

Mr. CONWAY. None.

Mr. SCOTT. How many extra coal passers?

Mr. CONWAY. I do not know how many extra coal passers, but the seamen's law does not claim to put any coal passers on.

Mr. SCOTT. That is your statement, and I am simply using your statement for the sake of discussing, accepting it as the facts. I assume it is accurate that under the seamen's law they were allowed to use the deck hands as coal passers.

Mr. CONWAY. That is true.

Mr. SCOTT. And when the law went into effect it precluded the use of coal passers?

Mr. CONWAY. That is true.

Mr. SCOTT. And therefore they had to use the same number of deck hands.

Mr. CONWAY. Not necessarily.

Mr. SCOTT. Did they have to use the same number of coal passers?

Mr. CONWAY. Not necessarily. "For the safe navigation of the vessel, in the judgment of the steamboat inspector."

It all depends on what he thinks.

Mr. SCOTT. Yes.

Mr. CONWAY. If the boat can be safely navigated.

Mr. SCOTT. You say that the law put on the boat one extra fireman. You do not know how many extra coal passers?

Mr. CONWAY. Two extra coal passers; but the seamen's law did not do that.

Mr. SCOTT. But the law was passed and after the law was passed, whether in consequence of the law or anything else, it did put on, possibly, some extra coal passers?

Mr. CONWAY. Yes.

Mr. SCOTT. How many extra seamen did he put on?

Mr. CONWAY. In his boat?

Mr. SCOTT. In his boat.

Mr. CONWAY. He never carried able seamen. I am a fireman. Please excuse me answering that.

Mr. SCOTT. I want it distinctly understood that your testimony is directed at the three unions you represent—coal passers, firemen, and

water tenders—and I do not want that much to be misunderstood; if you are testifying as to the total number of extra men required on entire ship under the sections of the La Follette seamen's act.

Mr. CONWAY. Yes; but, Mr. Congressman, he testified that they were putting on an extra cook. The extra cook was not put on until 1918, and that was put on by the Shipping Board. He said that the seamen's law did that, and he said that the seamen's law put on two coal passers. If the boat could be safely navigated without the two coal passers he would not have to employ two coal passers.

Mr. SCOTT. What provision was there for the Shipping Board to compel the ship to put on an extra cook?

Mr. CONWAY. None. It was a mutual agreement between the vessel owner and the men employed that they submitted the matter to them for decision, and they, after a very thorough examination, said that the second cook was necessary.

Mr. SCOTT. To feed all the men on board?

Mr. CONWAY. I am not a second cook, and I do not know the second cook's duties.

Mr. HARDY. Let me ask a question or two. Under the seamen's bill, your firemen can not be used to go on deck. The deck men can not be forced into the fireroom and made to pass coal and the coal man put back on deck.

Mr. CONWAY. That is true.

Mr. HARDY. Is it not just possible that some of the work that has been done in this way, exchanging from the deck to the fireroom and from the fireroom to the deck, was because they did not have anybody else to do that?

Mr. CONWAY. Yes.

Mr. HARDY. Was not that then brought about by some amendment incorporated into the law?

Mr. CONWAY. Absolutely, and there was not one vessel owner that objected to that section of the law.

Mr. SCOTT. You do not mean to say to this committee that you are attempting to revert to the old position? Let me direct your attention to line 16.

Mr. CONWAY. Your bill does not change that section.

Mr. SCOTT. I say here in line 19, at the end of the line, "The seamen shall not be shipped to work alternately in the fireroom and on the deck." I have not attempted to change that.

Mr. CONWAY. No.

Mr. HARDY. If that remains as in this bill will it be necessary to have coal passers?

Mr. CONWAY. Sure; if in the judgment of the steamboat inspector that the coal passers were necessary he will have to maintain coal passers.

Mr. SCOTT. Under the amendment that I proposed?

Mr. CONWAY. Certainly.

Mr. HARDY. Then there is some necessity for employing those two coal passers on Capt. Crosby's vessel and it would continue under this?

Mr. CONWAY. Yes; but they will have to come here and testify before this committee that the boat laid up here, and that the cause of it was the seamen's law. They even blame the poor peach crop

to the seamen's law, and the reduction of population in certain places. It has been blamed for a great many sins.

Mr. CHINDBLOM. That will do for a joke, but that was not seriously brought out in the examination. It was not here said that the peach crop was decreased by reason of the seamen's law. It will go for a joke.

Mr. CONWAY. I did not mean it that way. There was testimony brought out here that boats were taken off on certain routes, and when questions were asked of the reason for it the man said that it was the peach crop, that the seamen's law was responsible for taking off the vessel.

Mr. SCOTT. Before the seamen's law went into effect, on all the vessels of the Great Lakes, from the time when they started to navigate on the Great Lakes, before the passage of the seamen's law, they used two watches of firemen.

Mr. CONWAY. On all boats?

Mr. SCOTT. Some of the boats. There is no law compelling them to use three.

Mr. CONWAY. No; there was no law.

Mr. SCOTT. On many of the boats they used two watches of firemen, two watches of coal passers, and two watches of water tenders. Is that true?

Mr. CONWAY. Yes; not on all boats.

Mr. SCOTT. I will modify that in order to concur with your suggestion. But you will admit on many boats they used those two watches in those three departments.

Mr. CONWAY. Yes; that is true.

Mr. SCOTT. Do you mean to state to this committee that when you increased it to three watches in the fireroom, covering the firemen, coal passers, and water tenders, that you did not increase the number of men required to work?

Mr. CONWAY. A good many boats carry water tenders and oilers, and the boat that you were on—the *Northland*—did not increase the crew one, on the *Northland*.

Mr. SCOTT. The *Northland* went out of business before that year. I was on the *Northland* in 1900.

Mr. CONWAY. She had three watches then for firemen, oilers, and water tenders.

Mr. SCOTT. It was a long run—1,066 miles.

Mr. CONWAY. She plied from Cleveland to Detroit and Mackinaw Island, stopped at the Soo and the Portage. I think she did not in later years, but stopped at Duluth.

Mr. ROSENBLUM. You have told us that the firemen are kept rather busy in port. What do the oilers and water tenders do in port?

Mr. CONWAY. The water tender has a very particular job and has got to keep his water from getting too much temperature, because if he allows too much water to get into the boilers water will come out over in the auxiliary steam line and go into the auxiliary machinery and destroy or burst the cylinder heads off.

Mr. ROSENBLUM. That keeps him busy?

Mr. CONWAY. He washes the boilers, too.

Mr. ROSENBLUM. Are the oilers busy in port?

Mr. CONWAY. Take the *Western States* on which I was employed for two and a half months. I was on the first watch from 6, and

we had 6-hour watches until 12 at night and from 6 to 12 in the morning. I would go on watch as the boat was leaving Detroit and stay on watch until midnight and go on watch at 6 o'clock in the morning and get into Buffalo about 8 or 9 o'clock. I had to then go around; the first job I had was to go with the second engineer into the paddle wheels and try every nut that was on the paddle wheels with wrenches and hammers. That section of the wheel which was under the water we turned it up and tried all the sections first on this side and then on the other side and then go to the reverse engine and try it there. I had to go in the engine room to clean the dope cups and to do packing if there was any glands that needed packing and had to assist in doing all that. That is how men learn to become engineers. You would be busy all the time on board.

Mr. ROSENBLUM. As a matter of fact, then, there is work for all the extra men in port, that they complain of?

Mr. CONWAY. Absolutely, because Capt. Simpson plainly stated before this committee that because the boat was at the dock was no reason the men were not working. He very clearly stated that.

Mr. GAHN. How about the sand boats?

Mr. CONWAY. I am not familiar with sand boats and can not testify as to them.

Mr. JEFFERIS. Will this proposed amendment to section 2 provided in the Scott bill increase or diminish the number of firemen, oilers, and water tenders on passenger boats?

Mr. CONWAY. Some boats it may have a tendency to diminish. For instance, take the biggest passenger boat on the Great Lakes, of the D. & C. Before the seamen's law that boat employed 16 firemen. Under the new law she employs 18.

Mr. GAHN. They had to employ 24, but by agreement were allowed to carry 18.

Mr. CONWAY. Mr. Newman was a little bit mixed up there, and we got along very nicely with the work with the vessel owners, as we are accustomed to it. We always suggested those things and they were satisfied, and I am surprised to hear, and I do not think so now, that anybody connected with the steamboat business would think that it is reasonable to work their firemen 84 hours a week.

Mr. GAHN. The law required 24 on the D. & C., not 18?

Mr. CONWAY. Eighteen.

Mr. JEFFERIS. It requires that number on a steamboat.

Mr. CONWAY. She is certificated for 18 firemen.

Mr. JEFFERIS. It is not the seamen's law, then.

Mr. HARDY. But she is certificated for 18 firemen under the seamen's law.

Mr. JEFFERIS. They are the ones that determine the operation of the seamen's law.

Mr. HARDY. Exactly; that is correct.

Mr. JEFFERIS. Suppose you decrease the firemen under this proposed amendment. Is that made possible by the extension of the hours of service?

Mr. CONWAY. Yes; you have to extend the hours of labor of men to 84 hours a week, and that will be done, gentlemen.

Mr. HARDY. How would the two-watch system extend the hours of service to 84 hours a week?

Mr. CONWAY. Under the three-watch system the firemen work 8 hours and under the two-watch system they work 12 hours; 7 times 8 is 56. On the three-watch system, 7 times 12 is 84. They would go on the 84-hour week.

Mr. JEFFERIS. Continuous 8 or 12 hours?

Mr. CONWAY. No; they work three on and six off, four on and eight off. On all those boats they work three on and six off, on a vast majority of them, with the exception of one boat.

Mr. JEFFERIS. Suppose you have the two-watch system. How long do the firemen work?

Mr. CONWAY. Six hours on and six hours off.

Mr. HARDY. Twice a day off.

Mr. CONWAY. That is 12 hours a day. Under the two watches you work six hours at night and rest six hours in the morning up to 12 o'clock noon, and then go to work at 12 o'clock noon and work until 6 at night.

Mr. JEFFERIS. I thought you said they had something else to do while off, working off the watch.

Mr. ROSENBLUM. That is in port, tied up.

Mr. CONWAY. When we are on watch. We never break the watch to do daywork. This bill is supposed to get the boats to run. I do not know if you were here when I explained just how the boats most complained of run on the D. & C.

Mr. JEFFERIS. I tried to get a general idea of what was being done.

Mr. CONWAY. It does not affect the man ashore, not accustomed to watch and watch or three and two watch. The best and clearest explanation of the watch-and-watch system is that the two-watch system gives 12 hours a day, 7 days a week, or 84 hours. The three-watch system is 8 hours a day, 7 days a week, 56 hours.

Mr. JEFFERIS. On a continuous run across the ocean, would you say you would have three watches?

Mr. CONWAY. Yes.

Mr. JEFFERIS. On a short run that would not take more than 15 hours in a day, the two-watch system would not require any more work than the three-watch system under a longer run.

Mr. CONWAY. If you were on a short run across the ocean, instead of having two men on watch, you would be more apt to have four. The boats on the Lakes are manned with less men than any place in the world, considering the tonnage.

Mr. SCOTT. Then, in your three-watch system you say you work six hours. How many hours on a three-watch system do you work in 24 hours?

Mr. CONWAY. Eight.

Mr. SCOTT. Eight hours out of the 24?

Mr. CONWAY. Yes; and as I called to the attention of the committee before, it is a 56-hour week. All other workers are getting a 48-hour week. Surely to goodness, we are not unreasonable when we come to you and try to explain to you to leave us on the 56-hour week. We can not be called radicals when we do that. We are not unreasonable.

Mr. EDMONDS. If we were to change this section 2 to make it distinctly understood that the continuous run meant from terminal to terminal, would that be objectionable to your union?

Mr. CONWAY. To our union?

Mr. EDMONDS. To your people?

Mr. CONWAY. Our people object to working 12 hours a day. That would not change the hours of labor. That would not change at all the hours of labor. It would still mean 12 hours a day and an 84-hour week.

Mr. EDMONDS. Would not that leave the smaller freight boats that run around the different ports an opportunity to live, to exist, without employing unnecessary men?

Mr. CONWAY. They have all been existing on freight boats, and I know of no reason for their being laid up, I take it for granted, in that situation, for instance; take the Great Lake Transit Corporation; a big majority of their boats are laid up, stopped running, and they are package boats, too.

Mr. HARDY. Suppose you had a run on each of those boats from where it started to where it landed the next day, and it goes back within 12 hours, and the whole run is 12 hours. Would that two-watch system operate for the firemen easier in that case?

Mr. CONWAY. Twelve hours a day for each of the firemen.

Mr. SCOTT. Where do you know of such a trip where you could go back on the same run within 12 hours?

Mr. CONWAY. I assume the Congressman meant a run of 12 hours one way, load at the dock, and run 12 hours the next day.

Mr. HARDY. That would be what it would amount to.

Mr. CONWAY. Take the D. & C., Cleveland to Detroit, a $7\frac{1}{2}$ -hour run.

Mr. HARDY. Give us that.

Mr. CONWAY. Ask Capt. Simpson, who has testified. He is managing or shore captain of these boats and they have a run of $7\frac{1}{2}$ hours from Detroit to Cleveland. He frankly told this committee that because the boat was lying at the dock was no reason that the crew was not employed.

Mr. SCOTT. No; and they kept their crew and they had it before the seamen's act.

Mr. CONWAY. Had what?

Mr. SCOTT. Had the same crew that they have now.

Mr. CONWAY. The same men?

Mr. SCOTT. The same number of men.

Mr. CONWAY. Yes.

Mr. HARDY. You mean they had three watches.

Mr. SCOTT. The law did not compel them to use three. They have always had three.

Mr. JEFFERIS. The $7\frac{1}{2}$ -hour run?

Mr. CONWAY. Yes.

Mr. HARDY. I want to get at why Capt. Simpson voluntarily put the three watches on the 7-hour run.

Mr. CONWAY. He did not put the three watch in until the seamen's law. There are three watches now, and Capt. Simpson testified here that because the boats were at the docks was no reason that the men were not busy. In that respect he was fair, because he knows that the boats have got to be kept up.

Mr. HARDY. How many watches were on that run before the seamen's law?

Mr. CONWAY. Two watches.

Mr. HARDY. How long did they require these watches to work?

Mr. CONWAY. Twelve hours, an 84-hour week, because I worked on that boat.

Mr. JEFFERIS. Why do they have it for a $7\frac{1}{2}$ -hour run?

Mr. CONWAY. You have to work to get the boat in shape; to get it ready to run. A steamboat is not like a railroad engine.

Mr. JEFFERIS. I understand that.

Mr. CONWAY. All this work has got to be done during the day.

Mr. JEFFERIS. If you had one fellow running it up there, and you ran it up in $7\frac{1}{2}$ hours, he could certainly rest, and the other could then take care of it, could he not, if you had two watches?

Mr. CONWAY. One man running $7\frac{1}{2}$ hours and the other man working $16\frac{1}{2}$ hours?

Mr. JEFFERIS. No; you will work 7 or 8 hours. Suppose you start off with $7\frac{1}{2}$ hours' run now from Buffalo to Cleveland. If one man could work that $7\frac{1}{2}$ hours on the run from Buffalo to Cleveland or Detroit, that fellow then would quit, and some one else, the second watch, would take his place for the next hours, would he not?

Mr. CONWAY. Seven and one-half hours?

Mr. JEFFERIS. Yes.

Mr. CONWAY. When would he eat his meals?

Mr. JEFFERIS. You do not have to charge that as a part of the working time?

Mr. CONWAY. No; I do not charge that, but I do not know how you could run along like that. You mean $7\frac{1}{2}$ hours running, extending the time longer than 6 continuous hours?

Mr. JEFFERIS. Yes.

Mr. CONWAY. It is unreasonable to ask a man to stay in a hot fireroom, at 140 or 150° of heat 7 continuous hours.

Mr. JEFFERIS. That would be working 8 hours, would it not?

Mr. CONWAY. But under the condition that is unreasonable. I would not do it.

Mr. SCOTT. We will take the illustration you made on the run from Detroit to Cleveland, $7\frac{1}{2}$ hours.

Mr. CONWAY. Yes.

Mr. SCOTT. How many firemen have they on there?

Mr. CONWAY. Nine.

Mr. SCOTT. Nine firemen?

Mr. CONWAY. Yes.

Mr. SCOTT. How long is it at the dock?

Mr. CONWAY. Well, she is there $16\frac{1}{2}$ hours out of 24 hours.

Mr. SCOTT. She is in the dock $16\frac{1}{2}$ hours?

Mr. CONWAY. Yes.

Mr. SCOTT. Nine of those firemen? How many did you say there were?

Mr. CONWAY. Nine.

Mr. SCOTT. They are divided into three shifts?

Mr. CONWAY. Yes.

Mr. SCOTT. Do you mean to say that while she is laying at the dock for 16 hours, that there is as much work to do on board the ship for those three firemen as there is for the three firemen out working during the run?

Mr. CONWAY. I say those men are kept extremely busy, and it has been so testified to by Capt. Simpson. She is 16 hours at the dock, she is there from 6 o'clock in the morning until night.

Mr. SCOTT. Well, 15 hours.

Mr. CONWAY. Yes.

Mr. SCOTT. There has been some testimony introduced here that when they carried two or three firemen, when they got to the dock one fireman stayed down there to bank the fires, and the rest of the firemen went up town, and on the next trip the fireman that had stayed there during that watch would go up town and one of the other firemen would stay and keep banking the fires.

Mr. CONWAY. That was not the testimony in this hearing, was it?

Mr. SCOTT. Yes.

Mr. CONWAY. Was it in this hearing?

Mr. SCOTT. Yes.

Mr. CONWAY. That is something I missed. Will you kindly tell me who gave that testimony?

Mr. SCOTT. Mr. Williams gave that testimony.

Mr. CONWAY. On the sand boats?

Mr. SCOTT. Yes; on the sand boats.

Mr. CONWAY. I can not say anything about the sand boats. I do not want to talk about something I do not know anything about.

Mr. SCOTT. A sand boat has an engine just the same as any other boat that is propelled by steam?

Mr. CONWAY. If the boat is at the dock, it is going to stay in a couple of hours, and the watch of two men is up, firemen are like other men, and they like to go to a picture show or something else, and if they did it, as long as they were off duty, I would not see any harm in it.

The CHAIRMAN. Mr. Scott's bill would not change the firemen, would it?

Mr. CONWAY. Yes, sir.

The CHAIRMAN. In what way?

Mr. CONWAY. It would put them on two watches.

Mr. SCOTT. On short runs?

Mr. CONWAY. That is largely getting back to the coal-passer question. On Mr. Bradley's boat, the *Bradley*, that you do not seem to have a great amount of liking for, and the *Zillah*—and he has another boat—those boats were remodeled in so far as the coal bunkers were concerned. Mr. Blodgett went to the steamboat inspectors and showed them the plans for remodeling the boat—the bunkers—and the inspectors took the coal passers off, and they do not employ coal passers now. I want to call that to your attention to prove conclusively that it is not the seamen's law; it is the judgment of the steamboat inspector, not the seamen's law, and that it is only the excuse for the addition of those men. Those men were taken off by the steamboat inspectors, and those boats are running to-day without any coal passers because of the fact that the boat could safely navigate, in the judgment of the steamboat inspectors, without coal passers, and they are now running without coal passers, and there was no change in the seamen's law to bring that about either.

Mr. EDMONDS. Let me ask you something about the operation of the 500-ton boat that carries a few passengers and a lot of fruit and vegetables and stuff from some fertile farms to a large city.

Mr. CONWAY. I do not know anything about these boats on the lake, Mr. Congressman.

Mr. EDMONDS. Have you not got any in Wisconsin, Mr. Scott, running down to Chicago?

Mr. SCOTT. Yes.

Mr. EDMONDS. We have a lot of them in Philadelphia.

Mr. CONWAY. Will you kindly tell me one?

Mr. SCOTT. The small packet ships.

Mr. CONWAY. There are none running from Wisconsin down the lake, or any place in the lake, carrying package freight, with the exception of the steamboats that are in Mackinaw Island.

Mr. SCOTT. How about the Goodrich line?

Mr. EDMONDS. In Philadelphia we have got a number of steamers that bring in farmers' produce to the city—little 500-ton boats that carry probably one engineer and one fireman.

Mr. CONWAY. I do not know of one on the Lakes, Mr. Congressman.

Mr. EDMONDS. Under this law they would be compelled to carry three engineers and three firemen, I suppose. I do not know what their situation would be. I was just wondering.

Mr. CONWAY. I do not know of one on the Lakes, Mr. Congressman.

Mr. SCOTT. I do not think the law applies to those.

Mr. EDMONDS. I thought it was possible that they had them on the Lakes just as we had down on the Delaware Bay.

Mr. CONWAY. No.

Mr. MILLS. I would like to ask you one more question, so as to get my mind straightened out as to this work to be done in port. Taking the vessel you mentioned, that has 18 firemen?

Mr. CONWAY. Yes.

Mr. MILLS. And under the 3-watch system, that means six firemen to a watch?

Mr. CONWAY. Yes.

Mr. MILLS. That means all six firemen are employed when she is under way?

Mr. CONWAY. Yes.

Mr. MILLS. When she gets into port it does not take six firemen to keep up steam while she is in port, does it?

Mr. CONWAY. To clean fires and blow flues.

Mr. MILLS. When you get into port you clean your fires?

Mr. CONWAY. Yes.

Mr. MILLS. How long does that take?

Mr. CONWAY. I should judge about 35 minutes for a fire.

Mr. MILLS. After the fires have been cleaned?

Mr. CONWAY. There is more than one fire, Mr. Congressman?

Mr. MILLS. I said fires.

Mr. CONWAY. It takes 35 minutes for one fire.

Mr. MILLS. It takes all six men for one?

Mr. CONWAY. I think she has 24 fires. I am not sure whether she has 24 or 28 fires. Each fireman has four or five fires to clean.

Mr. MILLS. It will take him 35 minutes to each fire?

Mr. CONWAY. Yes; approximately. He has to clean fires or——

Mr. MILLS. So that would mean two hours work after he got in to clean fires?

Mr. CONWAY. Then, you know, Mr. Congressman, he has got to keep steam.

Mr. MILLS. After he has cleaned his fires what has he got to do?

Mr. CONWAY. There are flues to blow.

Mr. MILLS. How long does that take?

Mr. CONWAY. On a boat like that, I should judge it would take one watch three or four hours. I do not think one watch could blow all the flues. I know it used to take me three hours to blow three boilers of flues on the steamer *Cheboygan*, and it took me three good hours, and I had another fellow helping me hold steam tool.

Mr. MILLS. Let us see. That is four hours.

Mr. CONWAY. That accounts for six, does it not?

Mr. MILLS. No; not as I figure it. I may be wrong.

Mr. CONWAY. You asked me first how long it would take to clean fires.

Mr. MILLS. Yes.

Mr. CONWAY. I said 35 minutes.

Mr. MILLS. Yes.

Mr. CONWAY. Then, on 24 fires on this boat.

Mr. MILLS. Yes.

Mr. CONWAY. One watch, say, for instance, would clean three-fourths of the fires, and then the other watch——

Mr. MILLS. They would not have time?

Mr. SCOTT. No; I do not think they would have time to clean all the fires.

Mr. MILLS. It would take four hours to clean all the fires?

Mr. CONWAY. I think it would, and keep steam. You know, Mr. Congressman, you can not take all the fires out and leave the boat without steam.

Mr. MILLS. I understand that. It will take four hours to do that, and then it is going to take three hours more?

Mr. CONWAY. I think so; yes.

Mr. MILLS. Seven hours?

Mr. CONWAY. I think that is a very conservative estimate.

Mr. MILLS. How long does she stay in port?

Mr. CONWAY. That boat comes in about a quarter to 8 or 8 in the morning and leaves at 9 at night.

Mr. MILLS. She is in port about 13 hours?

Mr. CONWAY. Yes.

Mr. MILLS. After those six or seven hours are up, what have they got to do for the next six hours?

Mr. CONWAY. That accounts already for over eight hours.

Mr. MILLS. I am not going to dispute it with you. We figured four hours, and then we figured three more, making seven. Let us take it for granted it is seven. That gives you six more hours. What have they got to do in those six hours. I assume you are not giving yourself the worst of it when you say seven hours.

Mr. CONWAY. I assume I am giving as close to the facts as I am capable in my humble way of giving them.

Mr. MILLS. Let us admit it is seven hours. What do they do for the next six hours?

Mr. CONWAY. Now, Mr. Congressman, you are trying to say something I can not say. One watch that goes down does not clean all the fires.

Mr. MILLS. I know.

Mr. CONWAY. Each watch that goes down cleans 6 or 8 fires out of 24. They clean 8 fires and they do other work incident to handling the vessel, running the different pumps, and all the other work. Then the next watch has got that to do.

Mr. MILLS. Now, let us see. The vessel comes to port and the firemen have the job of cleaning the fires and blowing the flues.

Mr. CONWAY. Yes.

Mr. MILLS. And after that what do the firemen do? I am not interested in what the oilers do, or what the engineers do, or what the seamen do. What do the firemen do?

Mr. CONWAY. Will you allow me to give you the duty on the steamer *C & B*?

Mr. MILLS. We are talking of one steamer. Let us not shift.

Mr. CONWAY. That is the *C. & B.* I will give you the duty of the firemen on that vessel from the time she comes in until she is ready to go out, if that is what you want. I will try and do that.

Mr. MILLS. I am more interested in the time it takes than in any duties enumerated. That will not get me anywhere. I am trying to get at a certain point, and if you will just allow me to pursue my inquiry I will be pleased to hear your statement afterwards. What do you do for the next six hours?

Mr. CONWAY. That is not the way the boats are handled, that is not the way they are managed.

Mr. MILLS. I know that perfectly well, but you have got six hours in the fireroom. I do not care whether it is the first or second watch that happens to be there six hours. There are six hours out of 13 left. I want to know what are the duties of the firemen during the six hours, the fires having been cleaned and the flues blown.

Mr. CONWAY. That is not the fact. The fact is that we have to clean some of the fires in the morning. If you have dirty fires, the boat will not go out. You have got to have some clean fires in the evening, and that means you have got to clean some of the fires in the morning. We could not get steam to run full speed if we had dirty fires at night. Fires will not last over six or seven hours. You have to clean fires every six or seven hours.

Mr. MILLS. You do not get my point at all. Assuming that the full watch works, and they clean all of the fires, and they blow all of the flues, and they do it in seven hours, what remains to be done in the next six hours? Now, answer that question, will you not?

Mr. CONWAY. Well, I am trying in my humble way to give the best answer that I can. If I can not make myself clear to you it is through my ignorance.

Mr. MILLS. No, it may be my stupidity; but let us try to get the matter. But what do they do for the next six hours?

Mr. CONWAY. That is not the way the men work, and I can not answer your question in that way.

Mr. MILLS. Is it not a fact that for the next six hours their only duty would be to keep the fires going?

Mr. CONWAY. If that was the system; yes. But it can not be worked that way; it is impracticable.

Mr. MILLS. I know it is, and therefore I suggest that what actually happens is that it does not take the entire watch all of its

time in the fireroom while the vessel is tied up in port, because what would happen if they used all of the time would be to get the work done in seven hours. Now, as a matter of fact, what happens is a continuous process. They clean some of the fires and they keep the fires going in some of the others, do they not?

Mr. CONWAY. Yes.

Mr. MILLS. And it lasts all the 16 hours, that process?

Mr. CONWAY. That is true.

Mr. MILLS. But it does not take the full watch all of its time while it is being done, does it?

Mr. CONWAY. Yes; with the cleaning of fires, the blowing of flues, and the keeping up of steam; yes, it does.

Mr. MILLS. But you and I agree that if they worked their full time it could be done in seven hours?

Mr. CONWAY. If it was practical, yes; I will agree, but it is impracticable. If you cleaned fires at 6 o'clock in the morning, or at 8 o'clock in the morning, when the boat would be ready to go out in the evening, the fires would be dirty again, and you could not get steam. It would be impracticable.

Mr. KIRKPATRICK. Mr. Conway, you gave me to understand that the work in port was just as hard as the work at sea. Any way you take it you have got 7 hours actual work spread over 13, and you might say it takes actually the whole 13 hours, but I can not follow you when you say it is just as hard work as the work at sea.

Mr. CONWAY. There is a difference between cleaning fires and shoveling coal into fires. When you clean fires and pull the charred clinkers and the burnt coal out, you are over a melting mass, and there is considerable gas coming from that melting mass, and that makes the conditions much harder than if there was no gas there at all. You are inhaling that gas because you have got to be that close to it in order to pull all this stuff, and sometimes you even burn your shoes with it. I have had my shoes burned time and time again with it, and have had my overalls catch fire with it, and you have got to be over that stuff.

Mr. KIRKPATRICK. You do not want to modify your statement that the work in port is just as hard as the work at sea?

Mr. CONWAY. No; I can not do it.

Mr. FREE. Give me an illustration of your routine during the day. Begin with when you go on watch and tell us what you do when you get through.

Mr. CONWAY. Do you want 24 hours of it?

Mr. FREE. Yes.

Mr. CONWAY. All right. I will take the steamer *C. & B.* I come on watch at a quarter after 6 in the morning. I go down there with the other five firemen. We clean about two fires apiece. We do not clean all the fires at one time. I will clean two, and when I have got my two cleaned the next fellow maybe will start, and maybe two of us will be cleaning fires at one time, because, with the opening of doors and cold drafts going into the boilers, and the use of steam, you can not do it all at once, that is all. So we clean fires. We may clean perhaps the fires on that four hours' watch. The cleaning of a fire, as I explained—I do not know whether you were in here before—

Mr. FREE. I know how they are cleaned.

Mr. CONWAY. You take a furnace and you shovel it to one side and you pull all the charred clinkers out, and then you shove it over, put the coal in, and take the other side out. We will clean a fire in about 35 minutes. We clean half the fires and steam for all the auxiliary machinery. That is four hours gone.

Then the next watch goes on, and they clean the other half of the fires, and keep steam. That accounts for eight hours.

Then the next watch comes on and they blow such flues as is necessary to blow, and take the boat out. They take the vessel out on the lake, start to take her out, and then the watch that was on from 6 o'clock in the morning comes on again. That is four on and eight off. Then you are out on the lake. Then you are continually firing and hooking and half-soling fires. When you shovel coal into a furnace, it does not always burn. The shoveling of 2,800 pounds of coal is not a hard job, but on certain boats with certain kinds of coal, the burning of 2,800 pounds of coal is a mighty hard job.

Mr. FREE. Can you clean a fire at sea?

Mr. CONWAY. Yes; we clean some fires at sea. We clean fires at sea, because generally a man has three furnaces on one of those boats.

Mr. MILLS. Do you blow flues at sea?

Mr. CONWAY. Sometimes.

Mr. MILLS. Very frequently, do you not?

Mr. CONWAY. We blow flues with patent flue blowers, and we blow them with hand at sea.

Mr. MILLS. Do you have mechanical flue blowers on board the ships?

Mr. CONWAY. Yes.

Mr. MILLS. How many of the ships?

Mr. CONWAY. They have them on most of them.

Mr. MILLS. If they had mechanical flue blowers, it would not take as long to blow the flues, would it?

Mr. CONWAY. Yes; I think it would. Mechanical flue blowers do not blow flues good.

Mr. MILLS. It would take as long with a mechanical flue blower as it would if you did not have one?

Mr. CONWAY. No; with mechanical flue blowers you can blow very shortly, but you blow by hand.

Mr. MILLS. It takes how long to blow a flue?

Mr. CONWAY. By hand?

Mr. MILLS. No; mechanically?

Mr. CONWAY. You can blow flues mechanically in 15 or 20 minutes.

Mr. MILLS. When you said that it took three hours to blow the flues, was you thinking of blowing them by hand?

Mr. CONWAY. Blowing by hand.

Mr. MILLS. Most vessels have mechanical blowers, do they not?

Mr. CONWAY. And hand blowers, too.

Mr. MILLS. We would have to reduce that 5-hour estimate somewhat considerably if you had mechanical flue blowers?

Mr. CONWAY. No, sir.

Mr. MILLS. If the flues were blown at sea you would have to reduce that estimate?

Mr. CONWAY. Yes, sir.

Mr. MILLS. In some of these ports you have some local regulations?

Mr. CONWAY. Yes, sir.

Mr. MILLS. So you have to blow at sea?

Mr. CONWAY. No; we generally blow in port.

Mr. MILLS. But where it is forbidden by the local ordinances what do you do?

Mr. CONWAY. There is not any local ordinance on the lake which says that you can not blow flues. I know of smoke ordinances.

Mr. MILLS. But if such an ordinance did exist you would have to blow your flues at sea?

Mr. CONWAY. It would have a tendency to do that; yes.

Mr. MILLS. So it would reduce the amount of work to be done in the harbor?

Mr. CONWAY. Yes; if the flues were blown outside, but I do not think those boats steam that way. Passenger boats run on schedule like passenger trains. Steam has got to be there, and if it is not the boats do not run on schedule, and if the boats do not run on schedule they do not get many passengers and the company does not want to get the reputation of coming in one or two or three hours late.

Mr. KIRKPATRICK. On a small boat like the steamer *Kirby* what do the firemen do in the 24 hours?

Mr. CONWAY. The steamer *Kirby*, I think, ran from Detroit——

Mr. KIRKPATRICK. From Sandusky to Put in Bay.

Mr. CONWAY. We will take one of Mr. Bielman's boats.

Mr. KIRKPATRICK. I am speaking about——

Mr. CONWAY. They are on approximately the same run.

Mr. KIRKPATRICK. No; I am speaking about a little boat like the steamer *Kirby*, where they are required, as I understand it under this law, to have three shifts running between Sandusky and Put in Bay. I think Mr. Austin testified to it.

Mr. CONWAY. Mr. Bielman has a boat practically the same, identically the same, as the steamer *Kirby*; is it not, Mr. Bielman? Is not your boat practically the same?

Mr. BIELMAN. One is just about the same as the other.

Mr. CONWAY. That boat is running from Detroit to Toledo. It starts running from Detroit to Toledo, I think, at 8 o'clock in the morning, or half-past 8 or 9 o'clock in the morning, gets over into Toledo about 2 o'clock, and comes back to Detroit about 7 o'clock at night, and then takes the moonlight out at 8 o'clock in the evening.

Mr. DUSTIN. We do not take any moonlight.

Mr. CONWAY. The boats running between Toledo and Detroit carry a moonlight.

Mr. DUSTIN. You are not citing a parallel case. They are both bigger boats than the *Kirby*.

Mr. KIRKPATRICK. I am talking about the boat from Sandusky to Put in Bay.

Mr. DUSTIN. She does not carry any moonlight.

Mr. JEFFERIS. What is a moonlight?

Mr. DUSTIN. A moonlight is an excursion. The boats are in the excursion business, and we take these people out for a moonlight dance. We have dance floors on our boats, and the people come down and go out and dance on the water in the evening.

Mr. KIRKPATRICK. You do not know anything about the *Kirby*?

Mr. CONWAY. No; I have been asked the reason why the *Kirby* is laid up, and I have been informed that her boilers are in very bad shape.

Mr. KIRKPATRICK. But you have heard the testimony that the traffic was there to be handled between Sandusky, Lakeside, Put-in-Bay, and the island?

Mr. CONWAY. Yes, sir.

Mr. KIRKPATRICK. Is it not reasonable to suppose that if the traffic was there they would get another boat, if she were laid up on account of her boilers?

Mr. CONWAY. If the traffic was there I think Mr. Bielman would run the boat.

Mr. BEILMAN. We do not run to Put-in-Bay. That boat has been taken off.

Mr. CONWAY. You run to Sandusky?

Mr. BEILMAN. No.

Mr. CONWAY. To Toledo, I mean.

Mr. KIRKPATRICK. The boat was laid up last year, and it is now, according to the testimony?

Mr. CONWAY. Yes.

Mr. KIRKPATRICK. And the people are clamoring for the service.

Mr. CONWAY. They could not run her unless she had considerable boiler repair.

Mr. KIRKPATRICK. They could not run because it was not profitable.

Mr. CONWAY. It is, if there is business enough.

Mr. KIRKPATRICK. Why do you lay it to the rumor about the engines being condemned?

Mr. CONWAY. Because the business is not sufficient to enable them to run, and they do not want to invest the amount of money that would be necessary to repair the boilers.

Mr. KIRKPATRICK. How much would be necessary to repair the boilers?

Mr. CONWAY. I was told by Mr. Dustin's brother that it would cost \$35,000 to repair the boilers, and seeing that before the seamen's law they never made money, but they lost money, I do not think they would put \$35,000 more into it and lose that too. But they lost money before the seamen's law went into effect.

Mr. BRIGGS. How are these men paid on these vessels? Are they paid by the hour, or how are they paid?

Mr. CONWAY. They are paid per day, but the wages are reckoned per month. They get paid for every day they are there, but the rates are reckoned on all those boats, as the men have testified here—the wages are \$125 a month for experienced men. A coal passer gets \$87.60.

Mr. BRIGGS. If they run 4 hours on a vessel, taking a short run, do they then have 4, 6, or 8 hours, go around and get another job and earn as much as they please out of it, if they get that in time to get on the boat again and run 4 hours and pick up that money?

Mr. CONWAY. No; they do not get much time.

Mr. BRIGGS. I am asking this seriously now. Is this constant employment?

Mr. CONWAY. No, sir.

Mr. BRIGGS. I mean you are employed by the month?

Mr. CONWAY. Yes, sir.

Mr. BRIGGS. Is this constant employment?

Mr. CONWAY. Yes; as long as we are there.

Mr. BRIGGS. As long as you are there?

Mr. CONWAY. Yes.

Mr. BRIGGS. It is regular employment?

Mr. CONWAY. Yes, sir.

Mr. BRIGGS. It is not desultory employment. In other words, you are there subject to call for these duties you described on certain vessels?

Mr. CONWAY. Yes, sir.

Mr. BRIGGS. It has not been clear to me from the testimony given here, particularly to the short runs. I understood from some of the testimony that a boat might run on a very short run, two or three hours from one point to another, and two or three hours back, and it did not take very long for that sort of thing, and yet they have had a very large expense entailed by a large number of excess men on the crew. I wish you would explain that a little bit.

Mr. CONWAY. Now, we will take a shorter run than that; we will take a 55-minute run. Take the Crystal Beach boat. The amount of men that the seamen's law put on that vessel was one—one extra oiler.

Mr. BRIGGS. What vessel is this you are talking about?

Mr. CONWAY. The *Americana* and the *Canadiana*, two of them.

Mr. HARDY. That is a 55-minute run?

Mr. CONWAY. That is a 55--minute run.

Mr. BRIGGS. Just describe the operations of those men. After the 55-minutes go by and they land in port, do those men have nothing to do but to get off the boat and wait for the next boat to leave in the evening or for the other run of 55 minutes back?

Mr. CONWAY. No; they are always there on watch. If they are on the 4 to 8 watch, they are there from 4 to 8, and if they are not there some other men will be put in their place and they are fired. Those boats work three hours on and six hours off. Those boats come in and tie up at midnight, and then from 12 to 3 blow flues, and the man from 3 to 6 cleans fires, and the man that comes on at 6 takes the boat to Crystal Beach at 6.15. She leaves at 6.15 and arrives at Crystal Beach about 7.10 or 7.05. She leaves Crystal Beach and takes the people that work in the city of Buffalo back from Crystal Beach. They go over there in the evening and stay there. They have homes there or board there, and the vessel takes them back to Buffalo, and she arrives in Buffalo about 8 o'clock. She stays in Buffalo until 10 o'clock. Then she goes out at 10 o'clock and arrives at Crystal Beach at 11, stays there 5 or 10 minutes, and then comes back and goes to the dock somewhere around 12.30. She leaves the dock at 2.15 and gets over there about 3, stays there 10 or 15 minutes and comes back again, and she is in Buffalo around half-past 6, and then she goes out at 8.15, and then the next trip is 10.30, and she gets back in Buffalo after midnight.

Mr. BRIGGS. Does she run day and night?

Mr. CONWAY. Until after midnight.

Mr. JEFFERIS. How many trips does she make from 6 o'clock in the morning until midnight?

Mr. CONWAY. About five trips.

Mr. HARDY. You mean five round trips?

Mr. CONWAY. Yes. That is about 10 hours.

Mr. BRIGGS. You have been serving on the Lakes some time, have you not?

Mr. CONWAY. Until I got working for the organization.

Mr. BRIGGS. How many years have you been on the Lakes, practically?

Mr. CONWAY. I started on the Lakes about 1901.

Mr. BRIGGS. When did you go with this organization?

Mr. CONWAY. I went with this organization in 1909. I was six years on one boat.

Mr. BRIGGS. Your service has been on the Great Lakes prior to the operation of the seamen's act?

Mr. CONWAY. Yes, sir.

Mr. BRIGGS. During that time were there always plenty of cargo ships running at a profit, the small ones and big ones, making money or losing money, or what were the conditions?

Mr. CONWAY. At different seasons there were hard times. Sometimes we did not get out until June. I think it was in 1904 that the ships did not get out until the latter part of June.

Mr. BRIGGS. Why?

Mr. CONWAY. The boats were tied up.

Mr. BRIGGS. Why?

Mr. CONWAY. For lack of business, lack of cargo.

Mr. BRIGGS. Well, what was the other conditions? Were many ships tied up during your term of service, between 1901 and 1909, on the Great Lakes?

Mr. CONWAY. At different times a great many ships, as high as 35 or 40 different ships were tied up.

Mr. BRIGGS. As many or less since the operation of the seamen's act in 1915?

Mr. CONWAY. There were just as many ships tied up before as there are now; in fact, more than last and the year before.

Mr. BRIGGS. What was the cause of all those ships being tied up?

Mr. CONWAY. Lack of business.

Mr. SCOTT. What passenger ships were tied up?

Mr. CONWAY. No passenger ships are ever tied up that are profitable to run.

Mr. SCOTT. They are tied up now, are they not?

Mr. CONWAY. What ones?

Mr. SCOTT. Two of the C. & B. boats.

Mr. CONWAY. Two of the C. & B. boats. But the seamen's law is not responsible for it. As far as section 2 of the seamen's law is concerned, that is not responsible for tying up the boats, because the most that the seamen's law could compel them to put on those boats was two men—a water tender and an oiler.

Mr. BRIGGS. How much of an expense would the oiler and water tender amount to?

Mr. CONWAY. This year the wage question is not settled yet.

Mr. BRIGGS. How much has it been? I am not talking about the future.

Mr. CONWAY. Last year it was \$250 a month.

Mr. BRIGGS. For the two men?

Mr. CONWAY. For the two men.

Mr. BRIGGS. \$125 apiece?

Mr. CONWAY. Yes.

Mr. BRIGGS. There would be \$3,000 expense entailed in that matter?

Mr. CONWAY. They run only a short time.

Mr. BRIGGS. How long do they run?

Mr. CONWAY. They have been running from the 15th of May, I think. I just do not know how long those boats do run, and I do not want to say anything, Mr. Congressman, that I am not sure of.

Mr. BRIGGS. Can you not give an estimate of how long they run?

Mr. Scott, how long are those boats accustomed to run?

Mr. SCOTT. About four months.

Mr. BRIGGS. That is about \$1,000 in added expense.

Mr. SCOTT. What boats are you talking about?

Mr. CONWAY. The *City of Alpena*, and the other boat is laid up.

Mr. SCOTT. Yes, those boats run up the Lakes for about four months.

Mr. BRIGGS. Those are the ones I am talking about, and I was just trying to find out the extra expense. You do not know how much those vessels lost on their operations, all told, last year, do you?

Mr. CONWAY. I have been told they lost \$50,000.

Mr. BRIGGS. \$1,000 I think, was the extra expense for crew?

Mr. CONWAY. Yes.

Mr. SCOTT. \$1,000 on one ship and \$1,000 on the other?

Mr. CONWAY. I was told that by an officer of the company.

Mr. BRIGGS. I think Mr. Scott is correct about \$1,000 on each ship.

Mr. SCOTT. I thought he said two.

Mr. BRIGGS. Two extra men on each ship?

Mr. SCOTT. How much does it cost to fee them?

Mr. CONWAY. I do not think, with a large crew, that the carrying cost of these two men would figure. I think what those two men ate, considering the large number of the crew——

Mr. BRIGGS. They figure on something a day to feed a man, do they not?

Mr. CONWAY. They figure approximately \$1 a day, but I figured that that would not be any appreciable loss in \$50,000.

Mr. BRIGGS. At any rate, that would be, for four months, about \$250 more for each vessel.

Mr. CONWAY. Yes.

Mr. BRIGGS. \$2,500.

Mr. CONWAY. \$250 for two vessels.

Mr. BRIGGS. Yes; about that—about \$2,250.

Mr. CONWAY. Yes.

Mr. BRIGGS. Do you know of any other expense by reason of the seamen's act that those vessels incurred?

Mr. CONWAY. No. Mr. Shontz told me—I want to be fair——

Mr. BRIGGS. Who is Mr. Shontz?

Mr. CONWAY. He is the manager of those two boats.

Mr. BRIGGS. All right.

Mr. CONWAY. That the shortening of the season figured in there. He told me they lost \$50,000 last year.

Mr. BRIGGS. The shortening of the season?

Mr. CONWAY. Figured in.

Mr. BRIGGS. That is the season between what dates? Is it the 15th day of May?

Mr. CONWAY. Yes.

Mr. BRIGGS. And September 15?

Mr. CONWAY. Yes.

Mr. SCOTT. Those ships used to run seven months.

Mr. CONWAY. And they used to make two trips a week. Last year they made three trips a week. They cut out Toledo and Rogers City because they were unprofitable, and they made three trips a week.

Mr. SCOTT. They put on an extra boat?

Mr. CONWAY. No.

Mr. SCOTT. They put on a boat that did not stop at any point at all, but just ran down the lake from Mackinaw right through to Detroit?

Mr. CONWAY. But in that boat they made six trips a week. They were making three trips each week.

Mr. SCOTT. And that was a relief to our trade, that extra boat?

Mr. CONWAY. But they did not stop at your place.

Mr. SCOTT. The extra boat did not stop?

Mr. CONWAY. No; she did not stop at your place at all, but these other two boats, although they cut out Rogers City and Toledo and made three trips instead of two, they found it unprofitable then on account of the lack of business.

Mr. BRIGGS. I want to ask you in that connection, Are those boats passenger or freight-package vessels?

Mr. CONWAY. They are combination vessels.

Mr. BRIGGS. Carrying freight and passengers?

Mr. CONWAY. Package freight.

Mr. BRIGGS. And they carry passengers also?

Mr. CONWAY. Yes.

Mr. BRIGGS. You know nothing about the sand boats and the operation of those?

Mr. CONWAY. No.

STATEMENT OF MR. K. B. NOLAN, SECRETARY OF THE SAILORS' UNION OF THE GREAT LAKES.

Mr. NOLAN. I might make this explanation that I am not accustomed to making any speeches or statements. I will make a short, preliminary statement, and then be glad to answer any questions as can be asked.

The first thing that I want to bring out before this committee is this, that the inference has been given here that a large number of boats on the Great Lakes have been changed from American to Canadian registry, leaving the inference that the Canadian merchant marine has been increased and the American merchant marine on the Lakes decreased. I want to show you that is false. Thinking that statement might be true, I wrote a letter to the Department of Merchant Marine and Fisheries, in Canada, asking for the total tonnage—that is, Canadian merchant tonnage—on the Great Lakes in the

year 1914, which is the year before the seamen's law was passed, and asked for their total tonnage in 1920. I received the following reply:

DEPARTMENT OF MERCHANT MARINE AND FISHERIES.

Ottawa, April 9, 1921.

SIR: Your letter of the 2d instant addressed to the minister of labor has been referred to this department, and I beg to inform you that the Canadian Merchant Marine on the Great Lakes in 1914 comprised 2,100 vessels, sail and steam, total net tonnage 314,660; in 1920, 498 sailing vessels, net tonnage 94,278; 1,295 steamers, net tonnage 219,597; total net tonnage, 313,875.

I am, sir, your obedient servant,

A. JOHNSTON, *Deputy Minister.*

Mr. CHINDBLOM. Does that statement show how many ships were transferred from American to Canadian registry?

Mr. NOLAN. No; I did not ask them. I asked for the total tonnage in 1914, and their tonnage in 1920. I asked for the Canadian tonnage on the Great Lakes in 1914 and in 1920, and that is his answer. According to these figures there was a very slight decrease, 785 net tons, in the Canadian merchant marine.

I have here the annual report of the Commissioner of Navigation to the Secretary of Commerce.

Mr. BRIGGS. What year?

Mr. NOLAN. 1920. In that there is a table on page 211, giving the tonnage on the Great Lakes, the number and gross tonnage of sailing vessels, steam vessels, canal boats and barges documented on the northern lakes in specified years from 1868 to 1920. In that table, comparing the same years, in 1914 the tonnage on the Lakes was 2,882,892.

Mr. BRIGGS. Gross or net tons?

Mr. NOLAN. That is all gross tons. The amount of that that was steamboat tonnage was 2,523,517. That was in 1914.

In 1920 there was quite a big increase. I will explain how that came about. It was not as big as it looks here. The steamboat tonnage was increased to 2,856,555. That is an increase of 378,897 tons. Now, then, that is misleading information to men that do not know the actual situation. It shows an increase there of 378,897, but in that increase there were quite a few boats that were built for salt water trade, and documented on the Lakes, but not intended for trade on the Great Lakes.

Mr. CHINDBLOM. You did not give the gross tonnage at all yet. You only gave the steam tonnage.

Mr. NOLAN. The reason for that is that I want to subtract from that steam tonnage the amount that was built on the Lakes, for salt-water service, and did not get into the merchant marine on the Lakes at all.

On page 30, in the same book, is a summary of types of ships of 1,000 gross tons built. That means all over the country. It says practically all of this tonnage was built for salt water, and nearly all of it for foreign trade. According to the place built and type of vessel, the ships above named may be thus summarized. It gives the tonnage built on the seaboard, but we are only interested in the Great Lakes. There were 145 boats built on the Lakes, with a total gross tonnage of 378,897. The increase was only 368,610 tons, leaving an apparent decrease of American tonnage on the Lakes of 10,287 tons. But included in the tonnage that we presumed went to the

coast—it says practically all of it did—there are two boats that I know of that were built for Great Lake traffic. They were 600-foot boats, carrying from 12,000 to 13,000 tons of freight. Of course, a boat is never documented for the amount of freight it carries, and I presume they would be documented for about 7,000 or 8,000 ton ships, so that out of the tonnage built on the Great Lakes presumably for salt water would come at least 15,000 dead tons that were built for lake trade, purely lake boats, that could not go on salt water if they wanted to, which leaves a slight increase in the lake tonnage of about 5,000 tons, and possibly more.

I am only citing this to give you the facts in the matter. You have been given the impression that Canadian merchant marine is increasing, and the American merchant marine decreasing, and I am giving you these figures to show that is not the case. There was a slight decrease in the Canadian merchant marine, and a slight increase in the American merchant marine on the Lakes. Mr. Thorp states that 11 boats out of 60 have been withdrawn. He also stated that 4 of these were commandeered during the war. The only boats that I ever heard of, until this agitation started in Detroit a month ago, about the seamen's law, or having it amended, that had been withdrawn was the steamer *Kirby*. The *Kirby* could not run if they wanted to run her until they got her repaired. According to Mr. Dustin's statement here, as I got his testimony, the boat had not been paying for a few years before the passage of the seaman's law; in other words, after they took the bar out of it, is my impression. I do not know whether I am absolutely correct or not. In 1915 he testified he lost \$30, I believe it was. So that the seamen's law did not affect her that year, as it did not go into operation until November 4.

The two upshore boats of the D. & C. Line ran last year, but the company has notified the public that they are not going to operate them this year. I have been told that there are four boats around Put in Bay, or North Bass Island, or some place, that they are not going to operate. I never heard of the boat until I came here, and did not know they were destroyed, in fact. According to the testimony that was given here there were about 500 people on Put in Bay Island, and the mayor or somebody there testified they had to have eight boats to serve those people. Well, that is about one boat to every 60 people. I can not see where that is necessary. We only have about 30 or 35 passenger boats out of Detroit, and there are over a million people there. He says he still has four boats running down there. There are four that are not running, so there must be four that are still running.

I gathered from the testimony here that there are a couple more little boats up around Mackinaw Island that are not going to run this year. I wish to make this statement, that those four boats on Lake Erie and the two boats on Mackinaw Island, and the two upshore boats of the D. & C. Line, the steamer *Kirby*, and all of the combined tonnage, would not equal the tonnage of the last passenger boat that was built on the lakes in 1912, all of them put together, the total tonnage of all of these boats that have been named, that are going to lay up. Mr. Thorp made the statement that 11 boats out of 60 have been withdrawn. That would leave the impression that one-

sixth of the tonnage has been withdrawn, but probably a more accurate estimate would be less than 5 per cent.

The officers are paid for 10 months in the year. I might explain to you gentlemen that the licensed officers are not mentioned in the seamen's bill at all. The law has nothing whatever to do with them. That is the seamen's law. The navigation laws enacted some years ago specified that they had to obtain a certificate of efficiency from the Department of Commerce; that is their license, a captain's or engineer's license, and, I presume, they are men who do not want to work at anything else when they are working at sailing and steamboating, and that on the short-season boats they have seen fit in their organizations to insist on getting a full season's pay, whether they ran four months or eight months. I do not know anything about it. Our organization has nothing to do with it. The seamen's law did not mention them in it. We are not affiliated with them in any way. We have never acted jointly with them in any wage controversy, and never assisted them in any way that I ever knew of, and they never assisted us, and I can not understand how the sailors' union, or the marine firemen's union, or the marine cooks' and stewards' unions could assist them in any way in getting such a contract.

It is stated that there are 365 boats in the Lake Carriers' Association. Those are the bulk freighters, and we were told there were 365 boats in that combination, and that they were not all in commission when the question was asked. I wish to state that there is not 15 per cent of them in commission. It is not true that they could not be in commission. It is because there is nothing for them to carry. There are a great many of the passenger ships on the lakes, whose owners are represented down here, that only run six or eight weeks in the year, in the summer season, and the seamen's law allows them to run from May 15 to September 15. They are allowed to run with 50 per cent life-saving equipment during that period. They do not do that, the majority of them. They only operate from May 1 to about September 1, from Decoration Day to Labor Day.

MR. BRIGGS. From May 1?

MR. NOLAN. From June 1—from Labor Day, rather—to Labor Day. They do not even take advantage of the full limit of the law, as it is, and I feel safe in saying that outside of what passengers they carried on passenger ferries that operate between Toledo and Windson, Port Huron and Sarnia, 95 per cent of the passengers on the lake are carried between Decoration Day and Labor Day.

The question was asked here as to whether there was any demand on the part of the public for proper life-saving equipment. This proposed amendment intends to cut down the amount of life-saving equipment that is now specified by the seaman's law. In some instances it cuts in two, over the present requirements. I do not believe that the inference that you gentlemen were given here that there is no demand on the part of the public for proper life-saving equipment is correct. The public sometimes sleeps and is only aroused in time of a great disaster. I did not clip them out, but there is a mass of clippings in my desk in Chicago, of editorials from different newspapers about the time of the *Titanic* disaster. I took four of them from four different newspapers and brought

them down here to show this committee that the public does want life-saving equipment. I want to read them into the record, if you please.

(Whereupon, the committee adjourned until Friday, May 6, 1921, at 10 o'clock a. m.)

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Friday, May 6, 1921.

The committee met at 10.30 o'clock a. m., Hon. William S. Greene (chairman) presiding.

STATEMENT OF MR. K. B. NOLAN—Resumed.

The CHAIRMAN. You may proceed.

Mr. BRIGGS. Do you intend to discuss before the committee the percentages of the nationalities of the various seamen who are in this service?

Mr. NOLAN. I did not intend to.

Mr. BRIGGS. You have no figures on that?

Mr. NOLAN. I have no figures. Mr. Furuseth has figures on that.

Mr. BRIGGS. The figures that you read from here yesterday with reference to the tonnage on the Great Lakes were those that you took from the report of the Commissioner of Navigation of the Department of Commerce for 1920?

Mr. NOLAN. Yes, sir.

Mr. BRIGGS. Those figures were all official, were they?

Mr. NOLAN. Yes, sir; for the fiscal year ending June 30, 1920.

Mr. BRIGGS. It is the so-called 1920 report?

Mr. NOLAN. Yes.

Mr. BRIGGS. As I understand your statement, those figures show that there had been really an increase of tonnage on the Lakes?

Mr. NOLAN. Steamboat tonnage. There has been a decrease in canal boats. I presume they mean canal boats also have to be documented with the department. There has been a large decrease with them; I suppose it is due to the Erie Canal. There has been a large decrease in motor boats; that is, pleasure boats; they all have to be documented, too. But there has been an increase in steamboats.

Mr. BRIGGS. That is all. The witness may go ahead with his statement.

Mr. SCOTT. Has there been an increase in the passenger boats? This discussion has been directed at the short passenger runs. Has there been an increase in the passenger boats since 1914?

Mr. NOLAN. I can not get any official figures on that, Mr. Congressman.

Mr. SCOTT. It is reasonable to assume that the fellows who are engaged in the passenger service would know that they had increased the number of their ships.

Mr. NOLAN. I tried to bring out the point yesterday that the boats enumerated here were either withdrawn or going to be withdrawn; that the total combined tonnage of them would not equal the tonnage of the last boat that was built.

Mr. SCOTT. You are not attempting by that testimony and those figures to show the amount of tonnage in operation, but simply the amount of tonnage available. Is that right?

Mr. NOLAN. The amount of tonnage documented. For instance, the steamer *Kirby* that is not going to be run this year will not be inspected and documented, consequently that total would not be included in that table of figures.

Mr. CHINDBLOM. You have no figures showing what American vessels or what vessels have been withdrawn from American registry and placed under Canadian registry, have you?

Mr. NOLAN. Mr. Congressman, I have not. I do not know where to get those figures. I will give some thought to that subject and try to get them.

Mr. CHINDBLOM. You do not claim that the figures you gave us yesterday showing the total documented tonnage under American and Canadian registry prove anything in regard to the change of registry from one country to the other?

Mr. NOLAN. No; not at all; but it proves that the Canadian merchant marine is not increasing—that the Canadian merchant marine is decreasing.

Mr. CHINDBLOM. It might be due to the fact that they are not building boats there, or it might be due to the fact that the Canadian or British Government has taken boats from the Canadian service and placed them with the ocean service, might it not?

Mr. NOLAN. It might, but the war has been over for two years.

Mr. CHINDBLOM. It is a question of fact. You can not reason it out.

Mr. NOLAN. There was a large number of lake vessels—American lake vessels—that were commandeered during the war.

Mr. CHINDBLOM. Certainly.

Mr. NOLAN. I assume the average to be about the same.

Mr. CHINDBLOM. I would not assume that. It is a question of fact. Let us not assume or imagine; if we can get the figures, let us have the figures.

Mr. NOLAN. I do not know where to get the figures. All I know is that the Canadian Government commandeered the ships and took them to salt water, through Canada, Canadian boats, and the American Government did the same thing. They were withdrawn from both sides for salt-water service.

Mr. BRIGGS. I presume the Department of Commerce may be able to give us some figures on that subject.

Mr. NOLAN. I might make this assertion. This is personal knowledge and belief. It has always been the custom on the Lakes that the boats taken over are sold and the Canadian boats were old boats that had outworn their usefulness on the American side, and the great majority of those boats were boats that Mr. Scott condemned as worn-out hulks in describing a steamboat that went down; they were to my knowledge never used in the same trade that they had been previously used in. They are boats that had been trading between Canadian ports carrying pulp wood to the American ports, which had been sold to Canadian parties. They were not fitted for the trade. They were built and they were bought by the Canadians for their own trade.

Mr. BRIGGS. That was in the case of the Hall Transportation Co. fleet of 24 steamers.

Mr. SCOTT. On Lake Ontario.

Mr. NOLAN. Our organization does not extend on to Lake Ontario. I have never seen a Hall steamboat. I am familiar with Lake Michigan, Lake Erie, Lake Huron, and Lake Superior. I am totally ignorant of conditions on Lake Ontario and have never been on that lake in my life and never saw it.

Mr. HARDY. Do you know whether or not railroad competition would have a great deal to do with the traffic on Lake Ontario particularly? There is a great deal of railroad competition there, is there not?

Mr. NOLAN. On Lake Ontario?

Mr. HARDY. Yes. That is in New York, is it not?

Mr. NOLAN. That is in New York State. I really do not know—I say, I have never lived there or seen Lake Ontario, and I do not know.

Mr. BRIGGS. I want to ask you this question. How much actual steam service or lake service have you had on the lakes?

Mr. NOLAN. I started to sail in 1905. I sailed until 1916, until I first took the office with the Sailors' Union. Since then I have been——

Mr. BRIGGS (interposing). What kind of vessels did you sail on?

Mr. NOLAN. Freight boats, coal.

Mr. BRIGGS. No passenger boats?

Mr. NOLAN. No.

Mr. BRIGGS. What vessels were you on?

Mr. NOLAN. The names?

Mr. BRIGGS. The names, if you can recall them.

Mr. NOLAN. I was on the steamer *George Peavey*.

Mr. BRIGGS. Plying between what ports?

Mr. NOLAN. Buffalo to Duluth. I do not mean from Buffalo. I shipped from Buffalo and made the trip to Duluth. The boats were freighters and had no regular ports to sail from. In fact, you did not know when loading a cargo on Lake Superior and you do not get the orders for your final destination until you pass Detroit, and you do not know where you are going. You go from Duluth all the way down the lakes to Detroit before you are told where you are going. Then you may go to any one of a dozen ports on Lake Erie and a good many times you never go twice in succession to the same ports. You go back to your port later.

Mr. BRIGGS. Go ahead with your statement and I will ask you questions along those lines later on when you get through with your consecutive statement.

Mr. NOLAN. I make this explanation, that I have never made a speech in my life or been before a committee or been cross-examined by lawyers in court. It is my first experience along this line and it is impossible for me to get any connected statement.

Mr. BRIGGS. What the committee wants to know is the fact, and how this bill is going to affect the situation, as far as you can judge, and the questions that will be asked you are to develop information for the committee.

Mr. NOLAN. The impression that I have gathered from a great deal of the testimony stated by previous witnesses the first two days, especially, of this hearing, is that there has not been and that there is no danger on the lakes, that there is not very much danger in sailing on the lakes. I did not know that that impression would be given out here and I have not many figures of the number of vessels lost, but I have in a hearing in this connection that I happen to have with me.

Mr. BRIGGS. Just designate what it is.

Mr. NOLAN. It is a communication, a letter written by Mr. V. A. Olander, who was at that time secretary of the sailors' union on the Great Lakes, addressed to the Hon. William C. Redfield, at that time Secretary of Commerce.

Mr. BRIGGS. Give the date of the letter.

Mr. NOLAN. December 19, 1914.

Mr. CHINDBLOM. Has Mr. Olander any official position now with the union?

Mr. NOLAN. He has no official position with the sailors' union on the Great Lakes. He is still second vice president of our International Seamen's Union. I would like to make this explanation to clear that in your minds. The international union does not mean an organization from one nation with another. The term international means the number of locals in the United States combined in a sort of international organization, within the country. I take that back. It includes the United States and Canada, all the different unions in the United States and Canada in similar lines. It is a sort of holding company paying a small per capita tax into what they know as an international union. They have no connection with any other foreign countries.

Mr. SCOTT. The British?

Mr. NOLAN. No connection at all. The International Seamen's Union is not composed of any organizations outside of the American union and one Canadian union, the sailors, firemen and cooks' union of Canada.

Mr. SCOTT. Is not an effort being made to get the British, the Norwegians, and the Japanese into it?

Mr. NOLAN. The International Seamen's? No, sir.

Mr. FURUSETH. That is a mistake. This gentlemen does not know these things, and if you will ask me those questions you will get the truth.

Mr. BRIGGS. The committee has the right to ask this witness. If he does not know all he has to say is that he does not know.

Mr. NOLAN. I will give you my impression of what the usual expression international means, and that is it means only the local unions of this country and Canada.

Mr. BRIGGS. Referring to this letter that you have mentioned, is it published in hearings?

Mr. NOLAN. No, sir; that is not a hearing; it is just a letter written by Mr. Olander and published.

Mr. BRIGGS. Proceed.

Mr. NOLAN. He speaks of the Great Lakes since 1905, in that period. The letter was written in 1914, and in that year there were 31 vessels lost.

Mr. SCOTT. That was before the seamen's act?

Mr. NOLAN. Yes, sir; 31 vessels have been lost with every person on board. That is not the total number lost. That is the number lost—everybody on board with all hands.

Mr. SCOTT. Does it give the name of the vessels?

Mr. NOLAN. Yes, sir; foundered with all hands. The names of the vessels are as follows—

Mr. BANKHEAD. Just incorporate the letter in the record.

Mr. NOLAN. The steamer *Iosco*, the steamer *Kaliyuga*, the steamer *Ira H. Owen*—

Mr. CHINDBLOM. Does it state where the vessels were lost?

Mr. NOLAN. Lost between 1905 and 1914.

Mr. SCOTT. At what time of the year?

Mr. NOLAN. This letter does not give that. It gives the names of the vessels lost in that period from 1905 to the date that the letter was written. Continuing, the names of the vessels are as follows:

Schooner *Tasmania*, schooner *Olive Jeanette*, steamer *J. H. Jones*, steamer *Areadia*, steamer *Searchlight* (fishing vessel), steamer *D. M. Clemson*, schooner *George Nestor*, steamer *Geo. A. Floss* (fishing vessel), steamer *Marquette & Bessemer No. 2*, schooner *Rouse Simmons*, steamer *Silver Spray* (fishing vessel), steamer *Adella Shores*, steamer *Henry B. Smith*, steamer *Isaac M. Scott*, steamer *John A. McGean*, steamer *Charles S. Priece*, steamer *Argus*, steamer *Hydrus*, steamer *Regina*, steamer *Leafield*, steamer *Wexford*, steamer *James Carruthers*, schooner *Plymouth*, lightship 82, steamer *Benjamin Noble*, steamer *C. F. Curtis*, barge *Annie M. Peterson*, and barge *Selden E. Marvin*.

The four last named were lost during the present year, and the *Noble* in April, the *Curtis*, *Marvin*, and *Peterson* in November. All except five in the above list were American vessels, the five exceptions being Canadian, and it includes only cases where the vessel and its entire crew were lost. There have been many other wrecks during the same period, in which part of the crew was lost, such as the *Cypress*, which foundered with her entire crew except one; the *Pere Marquette No. 18*, the *Saonra*, the *Mataafa*, the *Richardson*, and many others. These cases certainly indicate grave conditions of marine risk, and were of such a nature as to warrant the most thorough investigation possible by the Steamboat-Inspection Service with a view of determining the causes which brought about the losses and to provide safeguards for the future.

I just wanted this committee to know that so that they will not be under the impression that there have never been any wrecks on the Lakes and that wrecks do not occur there.

Mr. HARDY. You want that letter in the record?

Mr. BANKHEAD. I should like to have it go in.

The CHAIRMAN. Let it go in.

(The letter referred to is as follows:)

(Written across first page: Read this. You may be called upon to back it up. Olander.)

LAKE SEAMEN'S UNION,
Chicago, Ill., December 19, 1914.

Hon. WILLIAM C. REDFIELD,

Secretary of Commeree, Washington, D. C.

DEAR SIR: I inclose herewith a statement covering in detail the assertions I have made in letters to you regarding inefficiency of the United States Steamboat-Inspection Service. If you can spare the time to read the inclosed document I am sure that you will see the necessity for some important changes in the methods of the service.

Respectfully, yours,

V. A. OLANDER, Secretary.

COMMUNICATION TO THE SECRETARY OF COMMERCE IN RELATION TO THE UNITED STATES STEAMBOAT-INSPECTION SERVICE.

By V. A. OLANDER, *Secretary of the Lake Seamen's Union.*

DECEMBER 19, 1914.

To the SECRETARY OF COMMERCE.

DEAR SIR: I respectfully request your consideration of certain charges, which I submit, against the methods of the United States Steamboat-Inspection Service. In the following pages I amplify the statements contained in my letter to you under date of April 16, 1914, and present such proofs of my assertions as I can submit herein, covering also the resolutions afterwards sent to you by the International Seamen's Union of America. I regret that the department will not permit me to see the reply of the Inspection Service to the statements I made in the letter referred to above. I am quite sure that a knowledge of the contents of that reply would enable me to present a more complete statement of the case.

It is not my intention to burden you with mere personal opinions of my own, nor to offer an argument on all the various points in which I disagree with the methods of the inspectors. I shall refer only to such inefficiencies, neglect, and disregard of duty on the part of the officials of the Inspection Service which are recognized by seamen generally (particularly by members of the Lake Seamen's Union, whom I have the honor to represent) as being plainly dangerous and to which loss of life can be traced.

I am proceeding on the theory, which I believe is correct, that under the law the main duty of the United States Steamboat-Inspection Service is to safeguard human life in the navigation of such vessels as are under its jurisdiction.

On the Great Lakes since 1905 31 vessels have been lost with every person on board, foundering with all hands. The names of these vessels are as follows:

Steamer *Ioseo*, steamer *Kaliyuga*, steamer *Ira H. Owen*, schooner *Tasmania*, schooner *Olive Jeanette*, steamer *J. H. Jones*, steamer *Areadia*, steamer *Searchlight* (fishing vessel), steamer *D. M. Clemson*, schooner *George Nestor*, steamer *Geo. A. Floss* (fishing vessel), steamer *Marquette & Bessemer No. 2*, schooner *Rouse Simmons*, steamer *Silver Spray* (fishing vessel), steamer *Adella Shores*, steamer *Henry B. Smith*, steamer *Isaac M. Scott*, steamer *John A. McGean*, steamer *Charles S. Price*, steamer *Argus*, steamer *Hydrus*, steamer *Regina*, steamer *Leafield*, steamer *Wexford*, steamer *James Carruthers*, schooner *Plymouth*, *Lightship 82*, steamer *Benjamin Noble*, steamer *C. F. Curtis*, barge *Annie M. Peterson*, barge *Selden E. Marvin*.

The four last named were lost during the present year, the *Noble* in April, the *Curtis*, *Marvin* and *Peterson* in November. All except five in the above list were American vessels, the five exceptions being Canadian, and it includes only cases where the vessel and its entire crew were lost. There have been many other wrecks during the same period, in which part of the crew was lost, such as the *Cypress*, which foundered with her entire crew except one; the *Pere Marquette No. 18*, the *Savona*, the *Matuafa*, the *Richardson*, and many others. These cases certainly indicate grave conditions of marine risk, and were of such a nature as to warrant the most thorough investigation possible by the Steamboat-Inspection Service with a view of determining the causes which brought about the losses and to provide safeguards for the future.

FAILURE TO INVESTIGATE DISASTERS.

Rule V, SECTION 16, Rules and Regulations of the Board of Supervising Inspectors, provides for investigations of accidents to vessels under the jurisdiction of the service, when such accidents have involved loss of life or damage to property exceeding \$100. The section referred to is based upon Section 4448, Revised Statutes, and therefore has the purpose of discovering defects and imperfections in the "hull, equipment, boilers and machinery," as well as to ascertain the cause of any accident or injury which the vessel has suffered.

Section 4406 of the Revised Statutes requires that supervising inspectors, within their respective districts, shall instruct local boards of inspectors in the proper performance of their duties.

I charge that the local and supervising inspectors of the inspection districts on the Great Lakes have been derelict in their duties under the above sections. In proof of this charge I respectfully submit the following as a specific case:

During the month of November, 1913, a great number of vessels, nearly all being steam vessels, were lost, wrecked, or badly damaged on the Great Lakes. About 240 seamen lost their lives as a result of the disasters. The property loss amounted to several millions of dollars in value.

The catastrophe was a result of a heavy gale, combined with weak hatches and poorly constructed pilot houses and cabins on the vessels, and the inability of many of the steamers to keep out of the trough of the sea, owing to the fact that they had no storm sail or other equipment to assist the engines in such emergencies. The vessels were notoriously unfit to encounter very bad weather. Their greatest weakness was in their hatches, a condition very largely due to undermanning.

Whatever the cause of the disasters, however, I submit that they were sufficiently grave to have warranted a most searching public investigation, for the purpose of ascertaining what could and should be done to provide safeguards for the future.

The local inspectors made no investigation whatsoever. Proof of this failure to investigate will be found in letters from various inspectors, admitting that no investigation was made. I forwarded copies of those letters to you April 16, 1914.

When the local inspectors failed to act, the two supervising inspectors in charge of the Great Lakes districts should then, in accordance with section 4406, R. S., have instructed the local boards "in the proper performance of their duties" and thus have compelled an investigation of the disasters. They did not do so.

If it was the opinion of the Service, as indicated to me recently, that separate investigations by each of the local boards would have led to confusion, the supervising inspector general should have directed one of the local boards to conduct the investigation. The Supervising Inspector General failed to do so, although Sec. 16 of Rule 5, Rules and Regulations of the Board of Supervising Inspectors, clearly provides for emergencies of that character.

Neither the Supervising Inspector General (the official who was acting in that capacity at the time or the inspector general himself upon his return from Europe) nor the two supervising inspectors made any effort to provide for such investigation.

In letters to me, copies of which I sent to you April 16, 1914, the two supervising inspectors referred to indicated that whatever conclusions they had reached regarding the disasters were largely the result of apparently private discussions with persons interested in shipping on the Great Lakes. It would be good for the Service, I believe, if the light of publicity were turned upon those kinds of discussions. At any rate they should not be the sole basis for official decisions affecting matters that concern safety of life.

It appears that no effort was made by any official of the Inspection Service, except one, to expose the conditions which made the disasters inevitable. The one exception noted was the inspector of hulls at Duluth, Minn., who gave a statement on the subject to the newspapers. I shall refer to his statement again later.

No real investigation was attempted by the Inspection Service, but under date of June 3, 1914, Mr. Thurman, the acting secretary of the department, advised me of a supposed investigation, held by the board of supervising inspectors during its sessions last winter. I quote Mr. Thurman as follows:

"Under the direction of the Secretary of the department, such investigation was held by the board of supervising inspectors, the results of which can be easily ascertain, * * *

On the same subject, in your letter to Mr. T. A. Hanson, secretary-treasurer, International Seamen's Union of America, Chicago, Ill., under date of July 16, 1914, the following appears:

"It is the fact, however, that six shipmasters who were exposed to the same storm, but in a lesser degree, in a different locality, appeared at the inquiry before the board of supervising inspectors on this subject and testified as to the severity of the gale, stating that their ships were helpless and unmanageable during its height and that it was undoubtedly more severe on Lake Huron than in the spot where they experienced it."

I have not yet succeeded in obtaining any information as to the results of the so-called investigations. But the department has kindly, after a great deal of

hesitation which I am at a loss to understand, furnished me with the names of five or six shipmasters who appeared before the board of supervising inspectors.

The names of these five masters, to which I add the names of the steamers they were in charge of, are as follows:

Capt. H. S. Lyons, steamer *C. Russell Hubbard*; Capt. R. J. Lyons, steamer *John B. Cowle*; Capt. W. J. Hunt, steamer *Alra C. Dinkey*; Capt. Millard Stewart, steamer *Abraham Stearn*.

The five masters whose names appear above were brought to Washington by Capt. Denis Sullivan (perhaps Capt. Sullivan's name completes the list of the six masters?), a shipowner and member of the executive committee of the Lake Carriers' Association, to appear before the Committee on Merchant Marine and Fisheries of the House of Representatives in opposition to the seamen's bill (S. 136), and, I presume, to appear before the board of supervising inspectors.

The testimony of Capts. H. S. Lyons, W. J. Hunt, and Richard England, before the Committee on Merchant Marine and Fisheries, was to the effect that their ships were neither helpless nor unmanageable during the gale. If they testified to the contrary before the board of supervising inspectors, as indicated in your letter, an explanation should be demanded of them. They testified before the committee on March 6, 1914, and were before the board of supervising inspectors very soon after, or possibly just before, that date. The other two masters named did not make any detailed statement before the committee.

The five masters were brought to Washington to argue for and defend the shipowners' side of the case. Their ships had not experienced the worst of the storm and had not been damaged. They were witnesses selected by the shipowners. Yet the Inspection Service appears to have contented itself with their testimony.

I was in Washington during the entire time the board was in session. Members of that board knew I was vitally interested in anything that might come up regarding the Great Lakes situation, and that I represented some thousands of men whose lives depend upon the condition of the ships. They knew, also, that in my testimony before the Committee on Merchant Marine and Fisheries I had made some statements relative to the Inspection Service which ought not to have gone unchallenged if untrue, and which warranted action on their part. I exchanged letters with two members of the board while it was in session, concerning conditions on board the ships, and the disasters of November, 1913. But I was not informed that the board was hearing testimony on the subject.

Under the circumstances I can not help believing that the board of supervising inspectors did not want to hear from anyone except such persons as might be selected by the shipowners. Only the board itself and the shipowners appear to have known anything about the alleged investigation.

In your letter to Mr. T. A. Hanson (July 16, 1914) replying to the resolution sent to you by the International Seamen's Union, a letter which was evidently based upon the information given you by the Inspection Service, you say:

"It has never been determined what the specific cause of the loss of these steamers or any of them was, for one reason among others that all hands were lost with them and that there was not a witness left."

Let me say that out of a total of at least 34 vessels which were lost, wrecked, or damaged, during the particular gale referred to, at least 26 were under the jurisdiction of the Inspection Service and 6 of these were lost with every person on board. This left at least 20 crews to furnish evidence as to what had happened to their ships, a total of nearly 500 witnesses, not one of whom was called. These men were on the following-named American steamers: *H. M. Hanna, Jr., L. C. Waldo, Major, Wm. Nottingham, Northern Queen, J. T. Hutchinson, Pontiac, Peter White, D. O. Mills, J. M. Jenks, J. H. Shadle, Cornell, A. E. Stewart, Centurian, F. G. Hartwell, H. B. Harwood, Geo. G. Crawford, Louisiana, Matoa, G. J. Grammer.*"

Section 16 of Rule V, and section 4448 R. S., require that licensed officers of ships must report damages to local inspectors. The files of the Inspection Service, therefore (unless there has been utter disregard of law by both licensed officers and inspectors), contain reports regarding the above vessels, and others, which will prove that there was plenty of evidence upon which to base an investigation.

In this connection detail statements of some masters which appeared in the *Marine Review*, issues of December, 1913, and March, 1914, will be illuminating, and I therefore quote from them the following:

"Capt. Hagen, steamer *Howard M. Hanna, Jr.* (Lake Huron, coal laden) :

"We were possibly 15 miles above Point Aux Barques. The wind and sea had increased so that the vessel began dropping off her course, although the engines were being worked at full speed ahead.

"Tremendous seas were coming over our bow and our starboard quarter and over the whole in fact, and the seas had carried away part of our after cabin and had broken in our pilot house windows and had torn off the top of the pilot house.

"Then shortly after eight o'clock she dropped off so that she came around into the trough of the sea. We had been taken seas over us right along, and we had been using our siphons and pumps, but we knew she was taking water by the way the pumps worked. * * * We lay in the trough of the sea, rolling heavily, with the sea washing over, * * * she drifted broadside onto Port Austin reef, * * * and, in my opinion, the vessel is a total loss.'"

"Capt. James Kennedy, steamer *Peter White* (Lake Superior, ballast) :

"At this time the seas had become so big that the ship started to throw her wheel out, losing her headway and going so slow that it was impossible to hold her head to. At times the seas would strike her and throw her off five or six points. We would then have to put the wheel hard a starboard and let her go around in order to gain headway and bring her head up on again. We had to turn twelve different times. During this time, while heading into it, she struck some of the seas very heavily, causing the ship to vibrate so much that she broke quite a number of her hatch sections which dropped into the hold.'"

"Capt. James B. Watts, steamer *J. F. Durston*, (Lake Huron, coal laden) :

"I leave it to the coating of ice that we got on our hatches and around our forward cabin and windows that we lived through the storm as well as we did. I think there is not a hatch on one of our lake freight steamers that would stop 10 minutes in its place if they got in the trough of that sea Sunday night. We came to anchor at Mackinaw about 1 o'clock Monday afternoon, covered with about 1,000 tons of ice. * * * Now, I don't like to pass any remarks about the boats that were lost or how they were lost, but there is no doubt in my mind but that any of our side-tanked and water-bottom steamers full coal and grain laden that would get in the trough of the sea Sunday night for any length of time would turn turtle. They would start listing more or less by the cargo shifting some. * * * While I think that happened to some of them that were lost, I think some were lost by their hatches coming loose and they filled up and sank. * * * Those that didn't turn turtle, their hatches were loosened and they filled up.'"

"Capt. Thomas J. Carney, steamer *H. W. Smith* (Lake Huron, coal laden) :

"At 3 p. m. the seas began to get so big that they broke in the pilot house doors and windows and forward cabins. At 6 p. m. we lost control of the ship and she began to go off in the trough of the sea. Then I immediately ordered the wheel hard-over, and after some difficulty we managed to head down the lake before the sea. Then the seas began to pile over the stern, breaking in the after cabins and washing the rubbish in the aft of the engine room. * * * the seas kept piling over the decks, tearing tarpaulins into ribbons and wrecking the deck house.'"

"Capt. H. D. McLeod, steamer *Matoa* (Lake Huron) :

"At 6.20 of the 9th, when probably about off Sturgeon Point, encountered very heavy seas, which stove in the port side of the forward end of the after cabin, flooding the mess room, kitchen, and letting a quantity of water into the engine room, and also carrying away three hatch strongbacks. * * * about 10 p. m. she cracked a spar deck plate just forward of the boiler house on the starboard side, the crack extending the full width of the plate. At midnight the after cabin was broken in by overtaking seas, the force of the water making a bulge of about 3 feet in the bulkhead separating the engine room from the dining room at about the level of the dining room floor, and leaving this bulkhead only as a protection between the engine room and the sea. At 12.30 she stranded and ran about a thousand feet before she stopped. * * * It is my opinion that the condition of the after cabin was such that had we been in deeper water my boat would not have stayed afloat much longer than half an hour later than she struck, as her engine room would certainly have filled up from water coming through the after partition.'"

"Capt. S. A. Lyons, steamer *J. H. Sheadle* (Lake Huron, grain laden) :

"The after steel bulkhead of the cabin was buckled. All skylights and windows were broken in. A small working boat on the top of after cabin and

the mate's chadburn were washed away. * * * The rolling tore adrift the binnacle on top of the pilot house. * * * At 8.30 a. m. it had cleared up * * * wind and sea going down * * * sighted what I supposed was the wreck of the *Price*, passing this hull at about a distance of 1,000 feet.' "

"Capt. W. C. Iler, steamer *George C. Crawford* (Lake Huron, ballast) :

"At 4.30 p. m. she blew around in the trough of the sea, and I could not get her head to wind again; so I put her before the wind, and checked to slow speed, but had to keep ringing up half and full speed every few minutes to keep her out of the trough of the sea. * * * and every time I would use the chadburn to signal the engineer I could tell she was laboring, for sometimes the wires would be so tight I could not move the lever. * * * so the next morning going up the Soo River I had the hot-water hose put on, and cleaned off the ice, and then we could see lots of loose rivets and open joints amidships. * * * During the worst of the storm our electric whistle gave out, wires wore off in the cargo hold, where they go through bulkhead, and I could not use the hand lever, for it would be so tight at times and slack at times, that I had to put the deck watch in boiler house to blow the whistle for 14 hours.' "

These statements referred to the gale of November 9 and 10, 1913, and were in themselves sufficient to have warranted an investigation by the Inspection Service, particularly in view of the fact that other reports made earlier in the same year, only a few weeks before the November disasters, indicated the weaknesses of the class of vessels mentioned. On or about September 22, 1913, the big steamer *James P. Walsh* reported the loss of a number of her hatch covers and the smashing of her after deck house, and the steamer *E. N. Ohl*, also a large vessel, reported loosened plates.

To prove that evidence of dangerous weaknesses in the ships has been in the possession of the Inspection Service for several years, I quote from official reports submitted to inspectors by masters and other licensed officers in 1905, as follows:

Report of R. F. Humble, master, steamer *Mataafa*, December 1, 1905, referring to the wreck of that vessel, November 28, 1905, off Duluth, Minn.:

"I worked along down the shore, head-to until the snow cleared up, until I could see back to Duluth. Our hatch bars had begun to buckle, and I feared the hatches were going to go, and I knew I must get in shelter some place. I ordered my helm hard aport, came around, and headed for Duluth piers."

Forced to seek shelter, unfit to ride out the gale, because of weak hatches, the *Mataafa* put back to Duluth, failed to make the piers, went broadside on the beach, and broke in two amidships. Though only 700 feet from shore, the United States life saving crew were unable to reach her on account of the heavy sea. Nine of the *Mataafa's* crew lost their lives, and 20 hours elapsed before the remaining 15 of her crew, almost exhausted from exposure, were finally rescued.

Report of C. H. Cummings, master, Alex C. Brown, first mate, H. J. Bonah, second mate, and others, steamer *Isaac L. Ellwood*, referring to November 28, 1905:

"We remained that way from 3 o'clock a. m. until about 7.30, when the hatches began to come off. The tarpaulins were torn off by the seas, which came right over the vessel. Then I turned her and headed for Duluth."

The *Ellwood* had a narrow escape. She struck while entering the piers and sank immediately upon reaching the harbor.

Report of A. J. Talbot, master, and W. F. Hornie, mate, steamer *William Edenborn*, December 11, 1905, referring to wreck of that steamer November 28 of same year:

"After she went ashore, and before it was daylight, James Johnson, the second assistant engineer, fell into the hold through a hatch, three hatches, Nos. 9, 10, and 11, having dropped in during the storm, and was killed. We found his body under hatch No. 9, and from marks on his head it would indicate that he struck a beam, which killed him. Four other members of the crew—George White, steward; Albert Gray, porter; H. Reading, second cook, and George Davis, deckhand—also fell in the hold, the same as the man that was killed, but escaped by means of a ladder. There was about 4 feet of water in the hold of the vessel where they fell in."

A number of other wrecks had occurred at the same time, and during that season three steamers, the *Kaliyuga*, *Iosca*, and *Ira H. Owen*, had foundered with every person on board. But the Inspection Service took little, if any, notice of these events other than to receive and file away the reports.

The above reports, with many others, furnishing ample evidence of weak hatches, improperly constructed deck houses (the smashing of which permits the seas to enter the boiler and engine compartments), inability to keep out of the trough of the sea, and other faults in the vessels, have been in the files of the Inspection Service for several years. Yet officials of that service pretend that they do not know what has been causing the loss of vessels and loss of life on the Great Lakes, and at the same time calmly assert that there is nothing upon which to base an investigation.

In the year 1908, probably influenced by the loss of the steamers *Arcadia* and *Cyprus* in 1907, the former with all hands and the latter with all hands except one, the local inspectors at Duluth attempted to force some strengthening of the hatches. As a test case they made a very mild ruling on the subject in the matter of hatch fasteners on the steamer *W. G. Pollock*. The owners of the vessel promptly took an appeal to the then supervising inspector of that district, Mr. John D. Sloane, who sustained the local inspectors.

Following the action of Supervising Inspector Sloane in sustaining the local inspectors at Duluth, the owners of the *Pollock* appealed to the supervising inspector general, who, in February, 1909, decided in favor of the shipowners. The decision of the supervising inspector general in this case, in view of the fact that the issue had to do with the question of safety of life, is in my opinion rather interesting, to say the least. I call your attention to the following copy of his letter on the subject to the law firm representing the shipowners:

DEPARTMENT OF COMMERCE AND LABOR,
STEAMBOAT-INSPECTION SERVICE,
Washington, D. C., February 20, 1909.

MESSRS. GOULDER, HOLDING, AND MASTEN,
Rockefeller Building, Cleveland, Ohio:

In the matter of the appeal of the Valley Steamship Co., by W. H. Becker, president, from the decision of John D. Sloane, supervising inspector of the fifth district, sustaining the action of the local inspectors at Duluth, Minn., relative to the hatch fasteners on the steamer *W. G. Pollock*, you are advised that this office has concluded that the suggestions of the local inspectors at Duluth in this matter can not be considered as an order against the vessel, and therefore need not be complied with.

The decision of the supervising inspector is reversed and, as no change in the hatch fastenings has been ordered, no change is necessary.

Papers left with the Board of Supervising Inspectors are returned under separate cover.

Respectfully,

GEO. UHLER,
Supervising Inspector General.

The issue had been determined not upon its merits, as affecting safety to life, but upon a flimsy technicality regarding the use of words. The claim had been raised that the ruling of the local board was merely a "suggestion" and not an order, although the records show that in letters to the owners of the vessel the local board had referred to it as an "order."

It was while the *Pollock* case was pending that the steamer *D. M. Clemson* foundered with all hands.

In an interview (verified by letter, copy of which I sent you April 16, 1914) published in the Duluth Herald November 19, 1913, Capt. John Monaghan, local inspector of hulls at Duluth, referring to hatches, said in part:

"I made one other effort to get the matter to the board's attention. That was after the steamer *D. M. Clemson* sank, carrying with her Capt. Chamberlin, of Duluth, and the entire crew, the sinking caused undoubtedly by loose hatches. I went to Washington and presented the matter to one of the supervising inspectors, who agreed with me, but asked me to say nothing until he saw me again. I saw him in a day or two, and was advised to drop the matter, which I did. I have done all I can in the matter and am on record as to that."

I suggest that some effort should be made to find out why the inspector named was advised to "drop the matter."

In this matter of hatches the inspection service sanctions unsafe practices on the Great Lakes which it does not allow on either the Atlantic or Pacific.

The hatch covers on the Great Lakes lap over the top of the coamings instead of fitting inside of the coamings, as is the practice elsewhere. The coamings

are only 8 to 12 inches high, rarely 15 inches, as against 2 feet to 2 feet 6 inches as required on vessels in other waters.

The hatch covers, except in a few rare instances, are not supported by strongbacks such as are used on vessels in all other open waters.

The use of freak "patent" hatch covers of a kind not allowed or used elsewhere is permitted.

The decks of the larger steamers contain as many as 36 of these insecure hatches.

Up to about the year 1902 it had been a general practice on the Great Lakes, as it still is elsewhere, to have strongbacks, hatch supports, under the hatch covers to prevent the hatches being smashed in by heavy seas.

With the advent of the so-called modern freighter on the Great Lakes, usually dated from the year 1902, the number of hatches was greatly increased. The work of removing strongbacks from these numerous hatches every time the vessel loaded or discharged cargo, replacing them when getting ready for sea, and keeping them in repair was manifestly too much for the small crews employed. A choice had to be made between increasing the number of crew, reducing the number of hatches, or dispensing with the very necessary strongbacks and thus necessarily weakening the hatches.

The shipowners made the choice without much delay. They eliminated the strongbacks in all the large bulk freighters and in many others. The inspection service made no objection.

With the deepening of the channels the decks of many of the older and smaller types of steamer were raised in order that these vessels might be loaded deeper, but the hatches were not improved. The inspection service took little or no notice of the matter.

While the steamers were being enormously increased in size, their power, engine capacity, was not increased in proportion. The large bulk cargo steamers on the Great Lakes are now the lowest-powered vessels afloat. For this reason it is difficult to keep them out of the trough of the sea in very bad weather.

The equipment of these vessels with heavy storm sails—one forward and another aft—would materially improve their chances of keeping out of the trough. Relative to this matter, Mr. Thurman, in his letter to me June 3, 1914, says:

"In this connection, statements submitted to the department by the supervising inspector of the ninth district and other persons, set forth that under the conditions prevailing during the gale in question no emergency sail, as suggested by you, would have held; that it would have been utterly impossible to handle any such sail under the iced-up condition of the ship's gear; and, further, that even if such canvas could have been set and would have held it could not possibly have had any effect on such types and the large size of ships that were lost; in other words, that it would have been utterly useless."

The above statement amounts to almost a denial of all sailing-ship history. But I can not believe that anyone will attempt to deny that very large sail vessels have many times, by means of a single storm sail, rode out worse gales than the blow which occurred on the Great Lakes November 9 and 10, 1913, and that such sails have been set when the weather was much colder than at that time.

As to "such types and the large size of the ships that were lost," the supervising inspector of the ninth district appears to have forgotten for some reason that the large steel barges on the Great Lakes carried sail for many years to help as motive power and to enable the crew to handle them in event of the tow-line parting in bad weather. These barges are of the same model of hull as the steamers, have about the same freeboard, and some of them are fully as large. Recently they were stripped of their sails in order that the number of sails employed might be reduced.

It is a mathematical certainty that a sufficiently strong storm sail, properly placed, would materially help these low-freeboard steamers to keep out of the trough of the sea. When the pressure on one end of any vessel is greater than on the other end, that vessel tends to head up or pay off, according to whether the heaviest pressure is at the stern or at the bow. The freighters on the Lakes have no high superstructures amidships to catch the wind and thus interfere with this process.

The sail equipment would not be expensive. In almost all cases it could be rigged on the masts as they are now placed. But if put on board it must be

properly cared for, and that would involve the employment of another sailor or two on some of the vessels; therein lies the real objection of the shipowners against the use of such equipment.

While the inspection service has defended the conditions which exist on board of the ships, the shipowners themselves have recently given ample evidence that they know what is the matter with their vessels. Almost immediately following the disasters of last year the owners of new steamers that were building ordered changes in hatches and deck houses. For instance, the owners of the Canadian steamer *James Carruthers*, one of the vessels lost with all hands, promptly decided upon radical changes to be applied to their new steamer, the *J. H. G. Hagarty*. The number of hatches was reduced by one-half. "Patent" hatch covers were discarded. The hatch covers of the new vessel were made much stronger and were fitted inside of the coamings. Strongbacks were placed under the hatch covers and improved hatch bars were placed on top of them. The deck houses were built of heavier steel, strong deadlights were used instead of windows, and paneled doors were discarded and heavy solid doors took their place.

Every year since I began sailing on the Great Lakes, and especially since the year 1902, when the larger class of steamer became numerous, there has been case after case which proved beyond all doubt the necessity for such changes. But the United States Steamboat-Inspection Service has paid little attention to such matters. Each time a vessel is lost with all hands the storm which swallowed her is described as the "very worst ever experienced"; the loss is charged to an "act of God." The ship had been built and manned according to rules sanctioned, or permitted, by the Inspection Service; limited liability laws protect the shipowners, and, at least in so far as the inspectors are concerned, old conditions continue.

Heavy weather can not be avoided. It is certain to come again and again. But weak hatches, through which vessels fill and sink, poorly constructed superstructures, and the lack of equipment and crew sufficient to properly care for and handle the vessels, can and should be remedied.

I respectfully submit that the Inspection Service failed to make any serious effort to ascertain the truth as to the causes for the loss of life on the Great Lakes in November, 1913, as it has failed in many other instances, and that the neglect of its officials in this respect is a violation of both the spirit and the letter of the law.

UNDERMANNING ENCOURAGED BY INSPECTION SERVICE.

The most dangerous practice on board ship is that of undermanning. It carries with it a host of attendant evils affecting the vessel, its equipment and machinery, and even its very construction. On the Great Lakes undermanning has not only been tolerated, but it has actually been fostered by the Inspection Service.

Local inspectors certify crews smaller in number than is necessary for the operation of the vessel and much smaller in number than is needed to properly safeguard against loss of life. Proof of this will be found in the very great number of vessels that find it necessary to employ larger crews than called for by their inspection certificates.

There may be two reasons for this state of affairs: First, that local inspectors have been confused as to the purpose of the law relative to manning by instructions and decisions of their superior officers in the service; second, that a smaller crew than needed and actually employed is frequently certified in order to safeguard the master or owner (in event vessel leaves port with less than her regular crew) against the penalty for undermanning provided in sections 4453 and 4463, Revised Statutes.

Following is a copy of the part of certificates of inspection relating to crew:

"Also is required to carry a full complement of officers and crew, consisting of _____ licensed master, _____ licensed master and pilot, _____ licensed pilot, _____ licensed mate, _____ quartermaster, _____ seamen, _____ deck hand, _____ licensed chief engineer, _____ licensed assistant engineer, _____ licensed junior engineer, _____ water tender, _____ oiler, _____ firemen, _____ coal passer, _____ wiper, watchman, and also _____ persons when needed in the steward's and other departments not connected with the navigation of the vessel."

The capacities specifically designated, when a number is inserted, show the number of crew which the inspectors require the vessel to carry. The provision for "and also ——— persons when needed in the steward's and other departments not connected with the navigation of the vessel" is simply a statement of a maximum, which may be reduced at will by the master or owner.

The positions in the deck crew, mentioned in the certificates of inspection, exclusive of licensed officers, are the following: Quartermaster, seamen, deck hand, and watchmen, who may or may not be in the deck crew.

Only one vessel on the Great Lakes is required to carry more than two quartermasters, although a very considerable number of steamers carry four quartermasters, who are called "wheelmen-lookoutsmen." The certifications of only two quartermasters makes it possible for these vessels to leave port, without incurring any penalty, with only two men, exclusive of licensed officers, who are capable of taking the wheel, although four or five such men are usually employed. For specific cases of this nature, I mentioned the entire fleet of the Pittsburgh Steamship Co., consisting of about 74 steamers. There are many others of the same kind.

Strange though it may seem, not more than five or six vessels are required by the inspectors to carry "seamen." In general, practice "seamen," as differentiated from "deck hands," means experienced sailors, and "deck hand" means any roustabout employed on deck. The present arrangement, that of not certifying any seamen at all, serves as a protection to the shipowners against the court decisions which hold that the crew should consist of experienced men. If the inspectors required the vessels to carry "seamen" as different from "deck hands," experienced men would have to be employed. For proof that the inspectors do not require vessels to carry "seamen," as stated above, see the inspection certificates of any cargo steamer, and all except those of four or five passenger steamers, on the Great Lakes.

The number of "deck hands" specified on the inspection certificates is frequently less than the number needed and employed. The same is true of "firemen" and others. To mention a few specific cases of this character would not prove anything. But if the department cares to get at the facts it can do so by requesting a report from local inspectors showing the number of crew, in various capacities, as entered on the certification of inspection, compared with the number actually employed.

Although "coal passers" are employed on practically all steamers, except harbor craft, their number is never specified on the inspection certificates of cargo steamers on the Great Lakes. The inspection certificate of any such vessel will prove this to be true. It is a matter of some importance and I shall refer to it again in another paragraph.

On April 16, 1914, I called your attention, by letter, to the ridiculous manning provisions entered on the inspection certificate of the passenger steamer *Christopher Columbus*, which, in part, provided for no "seamen" and only 5 "deck hands," regardless of the fact that the vessel usually employed 21 and never less than 18 deck hands.

The Inspection Service apparently ignored my statement as to the number of men employed, and I was informed by letter from the department, June 3, quite vigorously defending its certification of the smaller number.

Some time afterwards I happened on board of that steamer at Chicago. I then discovered that on June 4, after having duly presented its "defense" to the department, the Inspection Service had changed the crew requirements in the inspection certificate by inserting "20 seamen" in lieu of 5 deck hands. Other changes had also been made relative to the engineer's crew. But for some reason the department never advised me that my charges in this case had been sustained. There are many other cases of the same nature which require attention.

The following shows the changes in the particular case referred to :

Passenger steamer “Christopher Columbus.”—Crew list as entered on certificates of inspection, 1913 and 1914 (both certificates issued by inspectors at Milwaukee).

	Certificate issued 1913; inspection, June 17, 1913.	Certificate issued 1914; inspection,—.
Master.....	1	1
Pilots.....	2	2
Quartermasters.....	2	2
Seamen.....	0	20
Deck hands.....	5	0
Chief engineer.....	1	1
Assistant engineer.....	1	1
Junior engineer.....	0	1
Water tenders.....	0	4
Oilers.....	2	2
Firemen.....	4	6
Coal passers.....	3	6
Watchmen.....	4	6
Persons when needed in steward’s or other departments not connected with the navigation of the vessel.....	135	108

The 1913 certificate shows total deck and engine department crews to be 25. The same departments in the 1914 certificate show a total of 52. The complete total, which includes the “when needed” provision, used quite generally as a cloak to cover undermanning, is exactly the same in both instances, being 160 in both certificates.

The fact of the matter is that the number employed in the deck and engine departments of the vessel was the same in one year as in the other, and that in 1913 the inspectors certified the vessel for less than half the crew she needed and actually employed. Under the arrangements in 1913 the vessel could leave port with less than half her regular crew without incurring any penalty under the law. The new arrangement simply compels her to carry her regular crew or be subject to the penalty for leaving shorthanded; the only other change actually affecting the vessel is the requirement for “seamen” instead of “deck hands.”

The vessel itself was the same in 1913 as in 1914, no alterations were made in her, the route was the same in both years, there was no change in equipment, and there was no increase in the number of passengers allowed; in fact, there was a slight reduction in 1914.

The inspection certificate of almost every freight steamer on the Great Lakes calls for a given number of “deck hands” but no “coal passers.” Regardless of this, however, coal passers are regularly shipped under the name of “deck hands” and the number of actual “deck hands” left short. Thus, six men will be shipped as “deck hands” and signed on the ship’s articles in that capacity in a pretended compliance with the terms of the inspection certificate. They serve as deck hands in port. But immediately the vessel puts to sea four of these men are required to work in the fire hold and coal bunkers as coal passers. When the vessel is about to enter port, as soon as the engines are checked, they are called out from the heat of the fire hold and coal bunkers to the chilly and often icy atmosphere of the deck. It is a cruel, almost inhuman practice and is not allowed anywhere else in the world. It is discountenanced by even the inspection service everywhere except on the Great Lakes.

I brought this matter to the attention of the officials of the inspection service in March, and again in April, of this year, but they evaded making any reply on the subject. Later I was given an opportunity to submit some definite cases to Mr. Thurman, then Acting Secretary, for a ruling. I did so by letter dated June 18, 1914, and was later, during an interview with Mr. Thurman on August 7, informed that the department had investigated the cases and had found my statement as to the practice to be correct. Mr. Thurman stated, however, that he was not prepared to say whether the practice was illegal or not, and advised me that he would confer with Mr. Sweet concerning it. This is the last I have heard of the matter.

The third section of section 4463, Revised Statutes, which regulates working hours for licensed officers, is absolutely ignored by all local inspectors on the Great Lakes. That part of the law is being violated daily because inspectors do not certify a sufficient number of men either as officers or crew to make compliance with it possible.

To show some of the reasons why local inspectors have failed in their duties, especially as to manning regulations, I submit the following:

On June 15, 1904, nearly 1,000 persons lost their lives in the burning of the steamer *General Slocum*. In the investigation which followed it was shown that the vessel was inefficiently manned as well as improperly equipped. With reference to the crew, the report of the United States commission which investigated the disaster contains the following statement:

"The inefficiency and poor quality of the deck crew of this vessel, doubtless typical of the majority of crews of excursion steamers, is one of the essential facts that caused the loss of so many lives."

As one of the results of this disaster, there were introduced in Congress certain bills providing for laws to regulate manning, and thus section 4463, Revised Statutes, after some delay, was amended in 1908 so as to require that every vessel under the jurisdiction of the inspection service was to carry such complement of officers and crew as would, in the judgment of the local inspectors, be necessary for her safe navigation.

The change in the law was clearly intended to improve the manning system. It became operative July 1, 1908.

I now call your attention to the following copy of a circular letter containing instructions to supervising and local inspectors relative to the amended law:

[Department of Commerce and Labor. Steamboat-Inspection Service, Washington. D. N. H. File No. 26927. Circular letter.]

JUNE 15, 1908.

United States supervising and local inspectors of steamboats.

GENTLEMEN: Inclosed you will find a copy of Public Document No. 84, citing the provisions of "An act to amend section 4463 of the Revised Statutes relating to the complement of crews of vessels, and for the better preservation of life," which act was approved by the President on April 2, 1908, and takes effect on July 1, 1908.

Substantially, the effect of this legislation is simply to legalize the practice that has been followed by local inspectors of specifying in the certificate of inspection the minimum number of licensed officers and crew necessary for the safe navigation of the vessel, a practice which has been held to have been irregular and without authority of law.

This authority has now been firmly and definitely established by the provisions of the act herein referred to, and there should be no further question of its legality.

On and after July 1, 1908, local inspectors will, at each annual inspection, make an entry in the certificate of inspection of the vessel of the minimum number of licensed officers and crew as in the judgment of the inspectors is necessary for her safe navigation and the protection of all on board, which number may be changed only under such conditions as are provided for by the act.

The right of appeal contemplated by the act must be exercised within 48 hours of the final action of the local inspectors, in default of which no appeal will be considered.

Respectfully,

GEO. UHLER,
Supervising Inspector General.
W. F. G.

Approved.

CHARLES EARL,
Acting Secretary.

The instructions that the right of appeal from local inspectors must be exercised within 48 hours had the effect of excluding from that right nearly every man on board the ships and all the representatives of such men. The right of appeal was thus effective only for shipowners and those who represented shipowners. Others could not without very great difficulty obtain official information regarding decisions within such brief space of time. After the old system of manning had been fastened down under the new law, a longer time for appeal was allowed.

Under the existing practice in manning of vessels referred to in the circular letter quoted above, many of the local inspectors had been certifying a given number of "deck crew" in addition to licensed officers. These local inspectors evidently considered the instructions of the Supervising Inspector General to mean that the new law required them to reduce the crew to a minimum.

Thus the inspection certificate of the steamer *William H. Wolf*, issued before the law was amended, contained requirements (which, however, had been ignored by the owners of the vessel) for "2 pilots, 2 quartermasters, 2 watchmen, and 15 deck crew," a total of 21 in the deck department. The certificate of this vessel, issued after the law was amended, provided for "2 pilots, 2 quartermasters, 2 watchmen, and 6 deckhands," or a total of only 12 in the deck department, this being the number satisfactory to the owners and which they had employed when ignoring the judgment of local inspectors, as indicated on the previous certificate of inspection.

I cite other instances of the same character, referring in each case to the deck department, only to prove the very great and peculiar change that took place in the supposed "judgment" exercised by local inspectors after the law was amended, as compared with their judgment as expressed on the certificates of inspection issued before the amendment of the law:

Steamer *John Stanton*, before amendment of law in 1908, deck crew specified on inspection certificate, "2 pilots, 17 deck crew," total of 19; after the amendment of law, "2 pilots, 2 quartermasters, 2 watchmen, 6 deck hands," a total of 12.

Steamer *W. G. Pollock*, before amendment of law the certificate called for "2 pilots, 15 deck crew," a total of 17; after the law was amended, "2 pilots, 2 quartermasters, 2 watchmen, 5 deck hands," a total of 11.

I refer to other cases of the same kind, giving the total figures only, and referring solely to the deck department, as follows:

Steamer *Frank Rockefeller*, before the amendment of law, 19; after, 11. Steamer *Northern Queen*, before, 16; after, 11. Steamer *Scranton*, before, 15; after, 10. Steamer *Joseph Salwood*, before, 17; after, 12. Steamer *Northern King*, before, 16; after, 11.

These cases, I believe, are sufficient to show that some peculiar influence had affected the "judgment" of the local inspectors. The amended law enacted for the purpose of improving the manning of steam vessels was used only to shift responsibility for undermanning from the shipowners to the United States Steamboat-Inspection Service. Instead of making conditions on board ship better, as was intended, the law was misused in such a way as to further limit the liability of the vessel owners.

I have before me a copy of department circular No. 196, dated August 19, 1909, on "Undermanning of inspected vessels," in which the following appears:

"The fact that a vessel arrives safely is not conclusive of sufficient manning. A vessel is insufficiently manned under this paragraph when in the inspector's judgment the amount of work required of the men has been unreasonable."

The men in the deck crews were and still are very frequently required to remain on duty continuously for from 18 to 24 hours and even longer when in port, and then stand their regular sea watch of 6 hours in addition to this after leaving the harbor, thus making from 24 to 30 hours or more continuous duty. In many instances this occurs about once every three days. The "amount of work required of the crew" in such cases is certainly unreasonable within the meaning of the instructions contained in the department circular.

The condition described was then and is now well known to the officials of the Steamboat-Inspection Service, but they permit it to continue even in the face of such instructions as referred to above.

Perhaps some reason for this may be found in the decision rendered by the Supervising Inspector General in the case of the towing steamer *Imperial* (Knickerbocker Towage Co., New York), May 17, 1911, which practically nullified the instructions of the department and resulted in chaos throughout the service, from which I quote the following:

"In deciding this appeal I have not taken into consideration the number of deck hands that might be necessary for handling hawsers, etc., as this is a matter that must be determined by the master or owners of the steamer, and so long as the local inspectors specify sufficient officers and crew for the safe navigation of the vessel, I am of the opinion that they have no right to specify how many officers and crew are necessary to meet the business requirements of the vessel, or to arrange or determine the different watches, further than to specify a relief if the service of the vessel requires more than one watch."

"Handling hawsers" on towing vessels is, of course, a most important duty. The seaman who would refuse to perform that duty at sea would be liable to severe punishment under the law. The decision was in direct conflict with the instructions of the department. It acted as a further restraint upon local inspectors everywhere and put a damper on the spirit of the entire service. The result is that undermanning of the kind I have described in this statement continues as a regular practice on the Great Lakes.

DANGEROUS CONDITIONS ON PASSENGER VESSELS.

It is a very general practice to navigate crowded passenger steamers with hatches unfastened, main deck gangways and ports wide open and in such condition that none of these openings can be quickly closed in event of accident. This is a condition due almost entirely to undermanning. In this connection I quote the following from my letter to you dated August 9, 1914:

"One week ago Saturday, August 1 to be exact, I was on board the steamer *Christopher Columbus* as a passenger from Chicago to Milwaukee. I noticed that every one of her eight large gangways are in such condition that not one of them can be closed quickly in event of accident. None can be closed properly in the condition which they were in on that day.

"In view of the fact that most of the compartments of this vessel are open on the main deck, to which these gangways lead, this is a case of, in my opinion, almost criminal neglect. If through some temporary stoppage of her engines during bad weather, which may occur at any time, she got into the trough of the sea, or in event of collision, causing her to list, she would fill herself through her open ports. I made no measurements of these gangways, but I judged them to be something like 6 feet square. Of the 50 or 60 bolt holes in each gangway, some are entirely plugged so that bolts can not be put into them at all, and the threads in most of the others are filled with rust and paint. It is plain to be seen that they have been in this condition for some time, yet the inspectors appear to have paid no attention to it. It is, of course, a result of undermanning, not enough of a deck crew to attend to such work.

"May I suggest that if instructions are issued, perhaps to the inspectors at Chicago, where the vessel lays overnight, to go on board without notice to crew or owners and to order the gangways closed and made reasonably water-tight by the crew, all bolts to be put in and set up tight, the inspectors to remain on board until the operation is complete, and then to report to the department just how long it takes to properly close all of the eight gangways, if they can be closed at all without repairs, you will get a startling illustration of the extent to which carelessness and neglect have been permitted on the Great Lakes."

The department acknowledged the receipt of this letter and advised me that the matter would have the immediate attention of the Steamboat-Inspection Service. But it did not inform me as to the results of its investigation. I have learned, nevertheless, that a test was made and that it took about one hour to partially secure the gangways while the vessel was laying at her dock, where the services of every member of her deck crew were available.

I have been informed also that Supervising Inspector Westcott came from Detroit to assist the local inspectors in making this very simple test. He appears to have considered it unnecessary to order the gangways securely closed. The fact that it took an hour to partially fasten them proves, of course, that they were in a dangerous condition. But it gives little idea of just how bad they were.

It was through unfastened hatches that the *Monroe* filled so quickly after her collision off the Virginia Capes last winter (see Findings of Local Inspector of Hulls, Philadelphia, p. 32). Practically every passenger vessel on the Great Lakes is in far worse shape in the matter of hatches and gangways than was the *Monroe*. But the Steamboat-Inspection Service has seen fit to ignore this condition. In the case of the *Christopher Columbus* they ignored it deliberately after their attention had been called to the dangerous condition of that vessel and even after they had made the peculiar test referred to.

As further evidence that the inspectors have not given sufficient consideration to the question of safety I cite the cases of the steamers *Marquette* and *Bessemer No. 2* and *Pere Marquette No. 18*, car-carrying vessels of the same type. The *Marquette* and *Bessemer No. 2* foundered with all hands in 1909. The following season, 1910, the inspectors certified the *Pere Marquette No. 18* to operate as an excursion steamer, without requiring any improvements in the matter of either manning, construction, or equipment. Four days after the

close of the excursion season she foundered,* drowning 27 of her crew. If that disaster had occurred a few days previously with a full load of excursionists on board the loss of life would have been enormous. The fact that another vessel of that peculiar construction had disappeared with everybody on board only a short time before seems not to have caused the inspectors even the slightest hesitation in certifying the *No. 18* as an excursion steamer and permitting her to carry a couple of thousand people.

In all instances, with perhaps two or three exceptions, the deck crews of passenger vessels on the Great Lakes consist of from 3 to 5 sailors, exclusive of the licensed officers, and anywhere from 6 to 35 "roustabouts," who know little or nothing about ships and who do not stand any watch while the vessel is out of port. This certainly is a condition for which the inspectors are largely responsible.

The very recent case of the burning of the steamer *City of Chicago* is one of several that should serve as a warning.

I regret that the Inspection Service (as indicated in your letter to Mr. Hanson and in Mr. Thurman's letter to me) has sought to hide some of its shortcomings under the claim that the storm of November, 1913, was so unprecedented in its fury that no precaution of man could have prevailed against it; that some of the Canadian vessels lost were ocean steamers; and that the foundering of lightship 82 proved no one was at fault except God.

I have no criticism to make of the Lighthouse Service in reference to the foundering of lightship 82, but I do not think the loss of that vessel and its unfortunate crew should be used in an effort to prevent improvements on other types of vessels. Let me say also that I believe there will be some hesitation on the part of the Lighthouse Service before again placing a lightship of the same small-sized, closely balanced type as the 82 in a spot where she is certain to ice up very heavily at times.

The Canadian ocean steamers which were lost were in little, if any, better shape than the other vessels. When they were brought to the Great Lakes changes were made in their manning and equipment in order to save labor cost. It is not the first time that such vessels were lost on the Lakes because they had adopted the slipshod methods permitted in these waters. The steamer *Bannockburn*, lost with all hands on Lake Superior some years ago, was of exactly the same type.

My reply to the claim regarding the unprecedented severity of the storm of November, 1913, is that the gale referred to was only one of many that have occurred here. In every gale vessels undermanned, improperly equipped, and of weak construction in many parts are forced to take big chances in seeking shelter, for the reason that they are unfit to ride out any very severe storms.

The reports of the United States Weather Bureau show that on November 28, 1905, at Duluth, when a number of wrecks occurred, the gale registered 68 miles, as against 62 and 56 miles at Port Huron, Mich., on November 9 and 10, 1913.

It has been quite a fashion to refer to every severe blow as "a gale of unprecedented fury." So it was last spring, when on April 29 the steel steamer *Benjamin Noble* foundered with all hands. So it was again a few weeks ago, when on November 19 the steamer *C. F. Curtis* and the barges *Marrin* and *Peterson* were lost on Lake Superior with every person on board.

Has the Inspection Service attempted to give no reason for the foundering of the *Benjamin Noble*? She was inspected in Detroit only a few days before she went down. The law requires the inspection of the entire vessel, including the hull. I have been advised that the *Noble* loaded steel rails at Conneaut before proceeding to Detroit for inspection. Being of the single-deck type, part of her load must have been on deck. How was it possible to properly examine her hull, or even her hatches, with that load on board? Yet she was inspected. However, that is the way of the Steamboat-Inspection Service.

It has been claimed by the Supervising Inspector General that the reason stricter safety regulations are not enforced on the Great Lakes is because the conditions of marine risk are not as great as elsewhere. If the supervising inspectors really believe that the conditions of marine risk are so much less on the Great Lakes than on other waters, let them say why at their last meeting they adopted the following startling and, in my opinion, absolutely inhuman rule:

"Whenever it appears to the licensed officers of steamers of over 100 gross tons, not equipped with wireless telegraphy, navigating the Great Lakes, that the vessel is in imminent danger of being lost under conditions that there is a

possibility of the facts in the case or cause of the loss being unknown, it shall be the duty of the licensed officers in charge to cause to be prepared a report stating the cause of the loss of the vessel and giving the facts connected therewith as fully as possible, also a list of the officers and crew, the same to be inclosed in the message case or receptacle to be carried for that purpose, in order that the facts in connection with the loss of the vessel may eventually become known to the officers of this service."

Please note that this remarkable rule, the like of which is unknown anywhere else in the world, is made applicable only to the Great Lakes. The Board of Supervising Inspectors considered such a rule unnecessary for vessels on the oceans. It is proof that the board itself believes the so-called mysterious disappearances of vessels under their jurisdiction on the Great Lakes will continue.

Instead of making a proper investigation to permit the truth to become public—I do not charge that the inspectors are so inefficient as not to know it themselves—the board attempts to shift its responsibility onto the shoulders of drowning men.

I submit that I have herein presented sufficient facts to warrant a thorough investigation of the United States Steamboat-Inspection Service. I believe that if you will personally acquaint yourself with these facts you will find a way to compel such changes in the service as may be necessary to render it of real value to the public.

Respectfully submitted.

V. A. OLANDER,

Secretary Lake Seamen's Union, 570 West Lake Street, Chicago, Ill.

DEPARTMENT OF COMMERCE,

OFFICE OF THE SECRETARY,

Washington, December 26, 1914.

V. A. OLANDER,

Secretary Lake Seamen's Union, 570 West Lake Street, Chicago, Ill.

SIR: Your letter of the 19th instant, addressed to the Hon. William C. Redfield, Secretary of Commerce, inclosing statement, in detail, of assertions which you have made in letters to Mr. Redfield, regarding the inefficiency of the United States Steamboat-Inspection Service.

In reply you are informed that your statements will have the consideration of the department, and you will be further advised.

Respectfully,

E. F. SWEET, *Assistant Secretary.*

DEPARTMENT OF COMMERCE,

OFFICE OF THE ASSISTANT SECRETARY,

Washington, January 23, 1915.

V. A. OLANDER,

Lake Seamen's Union,

570 West Lake Street, Chicago, Ill.

DEAR SIR: Referring again to your communication of December 19, 1914, to the Secretary of Commerce, permit me to give you the result of my investigation of your statements on page 41 concerning the *Benjamin Noble*.

Early in April, 1914, her owner made inquiry of the local inspectors at Detroit as to when they could inspect her, stating at the same time that she was laid up at a Lake Erie port, that her previous inspection would expire April 19, 1914, that she was chartered to load steel at Conneaut, Ohio, and that the cargo would be offered for loading before the inspection of the vessel could be made at her loading port, that if the Detroit board would inspect the steamer at that city while loaded she would be brought there for inspection and thus save considerable loss of time. He was informed that this could not be done unless the hull of said steamer had been examined by inspectors of the Government service before the cargo was taken on board. Subsequently, and on April 16, 1914, Mr. Francomb, the owner, made formal application for the inspection of the *Benjamin Noble*, stating that the interior examination of the hull had been made by the local inspectors at Cleveland, Ohio. The Detroit board communicated with the local inspectors at Cleveland and ascertained that the

statement of the owner was correct, and that certain alterations had been recommended by them. They further ascertained, by personal inspection on April 21, 1914, that certain other alterations were necessary and ordered them to be made. On April 22, 1914, it was found by further inspection that all the alterations ordered by the inspectors at Cleveland and Detroit had been satisfactorily completed.

The vessel was loaded with steel rails, stowed snugly in her hold, but no part of her cargo was on deck. The six cargo hatches were clear and unobstructed by cargo of any kind. They were found to be properly fastened and in good condition.

Turning from this statement, made by officers who did the work and who speak from personal knowledge, I read the following from your statement: "I have been advised that the *Noble* loaded steel rails at Conneaut, before proceeding to Detroit for inspection. Being of the single-deck type, part of her load must have been on deck. How was it possible to examine her hull or even her hatches with that load on board? Yet she was 'inspected.' However, that is the way of the Steamboat-Inspection Service."

Your information seems to be entirely of a hearsay character. It seems to me scarcely worthy of yourself or the cause you represent. Our local inspectors are the product of the civil-service system. They are men who are working for their living and are entitled to a square deal from other men who are likewise working for their living. If they do wrong it is entirely proper to call their shortcomings to the attention of this department, so that a careful investigation may be made. In some such cases the good of the service may require removals.

If you are able to present facts which contradict the report we have received in the *Benjamin Noble* case we would be glad to have you do so. Otherwise we would be forced to the conclusion that your reflections upon our inspectors are unjust.

As I have previously informed you, we are investigating and shall continue to investigate the Steamboat-Inspection Service.

Very truly, yours,

E. F. SWEET, *Acting Secretary.*

LAKE SEAMEN'S UNION,
Chicago, Ill., April 6, 1915.

Hon. E. F. SWEET,
Acting Secretary Department of Commerce,
Washington, D. C.

DEAR SIR: Referring to your letter of January 23 relative to the *Benjamin Noble* case, permit me to submit the following:

According to your statement the *Noble* took on her cargo while in the course of inspection—that is to say, upon application of the owner the local inspectors at Cleveland made a partial inspection by examining the hull. The steamer was then permitted to proceed to Detroit, where the general inspection was completed while the full cargo was on board.

In a decision rendered by the court at Detroit (Judge Tuttle) the owners of the vessel have been denied limited liability, the court stating: "In this case I think and find that the *Noble* foundered because she was overloaded."

The cargo consisted of steel rails, very heavy in proportion to the space it occupies; the vessel was of the single-deck type, and in such cases it is usual to place part of the load on deck, so that through this distribution of weight the rolling of the vessel in bad weather is eased. I had assumed that the *Noble* had followed this custom, but according to your letter I was evidently mistaken.

However, in the course of inspection and under the observation of the United States local inspectors this vessel was overloaded to such an extent that her deck was awash, and because of this overloading, according to the court, she foundered and every person on board was lost.

Allow me to say now that under the circumstances I believe the department should have taken drastic action against the inspectors in this particular case instead of defending them and questioning my motives as you saw fit to do.

Respectfully, yours,

V. A. OLANDER, *Secretary.*

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, April 17, 1915.

Mr. V. A. OLANDER,
General Secretary Lake Seamen's Union,

SIR: The department is in receipt of your letter of April 6, 1915, referring to the loss of the steamer *Benjamin Noble*.

With reference to the overloading of this vessel, you are probably as well aware as the department that the Steamboat-Inspection Service has no authority to say how much cargo shall be placed in a vessel. It undoubtedly would be well to have a law designating the deep load line, but in the absence of such a law the inspectors are without authority to say what the load line shall be.

Referring particularly to the next to the last paragraph of your letter, it would seem that you infer that the deck of the vessel was awash while she was being inspected, and if you are laboring under this impression, you are mistaken, for both the local inspectors of steam vessels at Detroit, Mich., and Cleveland, Ohio, state that the decks of the steamer *Benjamin Noble* were not awash at any time that they were on board making the inspection.

Respectfully,

E. F. SWEET, *Acting Secretary.*

Mr. V. A. OLANDER,
General Secretary Lake Seamen's Union,
570 West Lake Street.

LAKE SEAMEN'S UNION,
Chicago, Ill., April 22, 1915.

Hon. E. F. SWEET,
Acting Secretary, Department of Commerce, Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of your favor of the 17th instant in response to my letter of April 7, relative to the loss of the steamer *Benjamin Noble*.

It is true that under ordinary circumstances the inspectors do not exercise any authority as to how much cargo shall be placed in a vessel, and that they see little of the ships except at the annual inspection. But let me remind you that in this case, according to your letter of January 23, 1915, the steamer was loaded during the time of inspection, and before the inspection was completed, under authority granted by the inspectors. This, it appears, was permitted as a convenience to the owners of the vessel.

As to the extreme overloading of the vessel, and the resulting sacrifice of the lives of her entire crew, I prefer to accept the verdict of the court rather than that of the inspectors involved in the case who are naturally defending themselves. Surely you do not intend to ignore it?

The court said: "She must have been loaded almost decks to. The witnesses who saw her at Conneaut, almost all, placed her down practically decks to." At another point the court refers to water coming on deck "while she was lying here at Detroit."

The inspectors had no right to issue a certificate permitting a vessel in that condition to leave port. She was plainly unseaworthy while under their observation, and they should therefore have refused to issue the certificate of inspection.

In my judgment this is a case of either gross negligence of the most serious character or extreme incompetence on the part of the inspectors.

I most respectfully ask, for the good of the service, that the department proceed to take such action against the inspectors at Detroit and Cleveland as is provided for by the law.

Respectfully,

V. A. OLANDER,
Secretary Lake Seamen's Union.

Mr. JEFFERIS. Do you know what has happened since 1914?

Mr. NOLAN. No, sir. As I say, I am pretty ignorant of these matters before those dates. I did not think of the questions that would

be asked. I had no such table tabulated, but I gathered the impression that an attempt was being made to show you or explain to you or give you the impression that the Lakes were not dangerous, and I dug up that information last night, happened to have that in my hand there. If the committee wants it, when I get back to my office I will try to bring the data down to 1920.

Mr. HARDY. I wish you would.

Mr. NOLAN. In other words, I will give you a list of vessels lost since 1914 and the number of casualties.

Mr. BANKHEAD. With the number of casualties.

Mr. SCOTT. I will furnish that information. It is very easily available. The Department of Commerce has a record of all the ships that are lost.

Mr. HARDY. If you can give that information from any sources, put it in your testimony also.

Mr. NOLAN. All right, sir. The statement was made that the seamen's law could be applied to ocean boats; that there is no distinction in the application of the seamen's law between the ocean vessels and lake vessels; that is, that the restrictions are the same as regards the lake vessels as for ocean vessels. That is not quite true. In the first place, the seamen's law, that you get an able seaman's certificate on salt water, requires 36 months' experience, while on the Lakes it only requires only 18 months' experience. Also as to life-saving equipment requirements on the Lakes, safety equipment provisions of the seamen's law do not apply to passenger boats operating within 3 miles off shore, nor do they apply to passenger vessels operating more than 3 miles from shore over routes where the water is not deep enough to submerge the deck of the vessel. The regulations of the United States Supervising Inspector cover the above cases. The following table will illustrate my point.

Take an imaginary ship carrying 1,000 people. That boat, if she was operating on salt water within 3 miles of the shore between May 15 and September 15, would require lifeboats for 350 people, rafts for 350 people, and there would be neither boats nor rafts for the other 300. The same boats operating on the Lakes within 3 miles from shore between May 15 and September 15 would require lifeboats for 25 people, rafts for 75 people, and neither boats nor rafts for the other 900. Between September 15 and May 15 the ocean requirements would be lifeboats for 750 people and rafts for 250 people. Lake requirements would be lifeboats for 250 and rafts for 750, the boats operating more than 3 miles from shore. The ocean requirements between May 15 and September 15 would be lifeboats for 350, rafts for 350, and neither boats nor rafts for the other 300. The Lake requirements in the same period operating more than 3 miles from shore between May 15 and September 15 would be lifeboats for 200 people, rafts for 300 people, and neither boats nor rafts for the other 500. The safety provisions of the seamen's law are less already on the Lakes than on salt water. This proposed amendment intends to lessen them still further.

Mr. BRIGGS. Did those figures you gave give the requirements on the Lakes after September 15 more than 3 miles from shore?

Mr. NOLAN. No; they are the same, I think.

Mr. BRIGGS. That is what I wanted to get. I did not understand that clearly.

Mr. NOLAN. Operating more than 3 miles from shore between September 15 and May 15.

Mr. BRIGGS. Yes; between September 15 and May 15 on the Lakes.

Mr. NOLAN. September 15 and May 15 with 75 per cent and 25 per cent; it is the same on both.

Mr. FURUETH. No.

Mr. SCOTT. As that question has been asked, may I ask one question? What passenger boats do you know of operating on Lake Michigan, Lake Huron, or Lake Superior that operate within the 3-mile limit?

Mr. NOLAN. Lake Superior, Lake Michigan, and Lake Huron?

Mr. SCOTT. Lake Michigan or Lake Huron or Lake Superior—is there any passenger boat that operates on those lakes within the 3-mile limit exclusively,

Mr. NOLAN. No; I do not know of any. I know of some on Lake Erie.

Mr. SCOTT. I know that, but I am asking you about the three lakes I am particularly interested in. I wanted to know if you knew of any passenger boats that operate on the three lakes that I have mentioned.

Mr. NOLAN. I do not know of any.

The CHAIRMAN. Proceed with your statement.

Mr. SCOTT. You never worked yourself on any passenger vessel?

Mr. NOLAN. No.

The CHAIRMAN. Let each man keep his memorandum and ask questions at the conclusion of the statement of the witness. I would like to get through to-day if we can.

Mr. NOLAN. Notwithstanding the fact that the same provisions of law are not as strict on the Lakes as on the salt water, this proposed amendment intends to still further lessen the boats and rafts carried on the Lakes; in other words, to still lower the standard of equipment. On page 7, starting at line 13 of this proposed amendment, it states this:

At no moment of its voyage may any passenger steam vessel of the United States on the Great Lakes, on routes more than 3 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodations is provided in lifeboats and pontoon life rafts on board. The accommodations provided in lifeboats shall in every case be sufficient to accommodate at least 50 per cent of the persons on board.

The present law is 75 per cent. That reduces the number of lifeboats that have to be carried 25 per cent.

The number and type of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 1 to October 15, inclusive, any such steamer on routes more than 3 miles offshore but not more than 10 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, shall be required to carry accommodations for not less than 25 per cent of persons on board in lifeboats and pontoon life rafts.

I want to call to your attention that the per cent required is 50 per cent of the persons on board, that this amendment cuts down the present requirements 100 per cent; that is, the present requirements would be 100 per cent more than the requirements if this amendment goes through.

There is one other little item on the same equipment clause. On page 10, starting with line 5, it says:

Provided further, That on the Great Lakes and their connecting waters rafts carried need not have a capacity of exceeding 15 persons.

The present requirements require a certain percentage of rafts that will carry more than 15 persons.

I am opposed to that amendment—the restrictions put on ship-owners as to the amount of boats and rafts they shall carry under the present law. I do not believe it is excessive. In many instances it is not as much as is required on the ocean, and I do not see any necessity for further reducing the standard of safety of life. It has been a tradition with sailors ever since there were any sailors that their duty was first to the passengers and then to themselves. If we are going to cut down the number of lifeboats and rafts to the minimum, there is no chance for the sailors. The men aboard the boats, the men that I represent, are at sea practically all the time except when the boat is in port. They are not managing boats from a chair in an office. They have a vital interest in the amount of life-saving equipment aboard the boats.

The question has been raised about the shipowners' likelihood to employ capable men regardless of whether there is a seamen's law compelling them to or not. Years ago there was not any Steamboat-Inspection Service. The shipowners could build any type of boat they wanted. They could carry lifeboats or not, whether they wanted to or not.

There were no restrictions regarding fire-fighting appliances in the Nation of the United States; this country, every man in it, I suppose, is part of the Nation. We had to get a Steamboat-Inspection Service with definite penalties provided for in case the recommendations or orders of this service were not lived up to to force shipowners to build their boats according to the prescribed rules, to build hallways, and so on, where they were needed, to carry fire extinguishers, and carry fire hose and fire buckets. That is needed. If they would not do that voluntarily, I do not know why they would carry skilled men voluntarily. I know that this is the case, especially out of Chicago, that boats before the passage of the seamen's law used to carry from four to six skilled men.

There was no standard of efficiency; they were supposed to be skilled men. The rest of the deck crew was what we call ordinary seamen, the deck hands. These ordinary seamen, the deck hands, were recruited from what is known as the first ward, generally, around Chicago. In those days they used to be at Hinky Dink's place, and Bath House John's, and all the barrel houses, as they were called. The majority of these deck hands were out-and-out tramps and down-and-out bums, and they made up the bulk of the deck crew on these excursion steamers. They were men of no training and no ability, and a type of men that I would not want to help save the life of my sister or my mother or any of my relatives if they were on any one of those boats. There has been some talk about leaving the crew up to the requirements of the steamboat inspectors. Up until about 10 years ago the steamer *Christopher Columbus*, carrying at that time 3,600 passengers, was allowed by the inspection department to operate with about 6 skilled or sup-

posedly skilled men in the deck crew and 5 ordinary seamen—11 men in the deck crew.

The statement has been made that able seamen can quit and hold up the ship. I have been in Detroit as agent for the sailors' union in the years 1917, 1918, 1919, and 1920. They were the four hardest years in the history of the United States that I know of to get labor. There was a big shortage of labor. I feel safe in saying that I do not believe there is an industry in the whole country but what was not crippled by the want of labor during those four years. I might say that there are over 30 passenger boats operating out of Detroit, and I do not know of one that was held up for one minute during those four years for the want of able seamen; not one for a minute, when every industry in the country was crying for labor.

The statement has been made that the able seaman's certificate is obtained from the sailors' union. I want to say this: That on the Great Lakes I do not believe the able seamen are more than 65 or 70 per cent organized. I might be giving Mr. Thorp a tip there. I presume he will go out with a spyglass looking for those who are not organized.

I might also state that for years before the passage of the seamen's act, that the sailors' union has been organized since 1878; that is, on the Lakes. There have been periods when we were practically 100 per cent organized long before the passage of the seamen's act. From 1900 to 1908 there were very few boats on the Lakes that did not carry 100 per cent union men. There was no seamen's law then.

The Mackinaw Division is the division where the boats that have been operated always until this year are going to be withdrawn this season, and the reason given is the requirements of the seamen's law. When the seamen's law went into operation each of those boats had to put on one oiler and one water tender. On two boats they had to employ four more men. They were in the engineer's department, men that were working in excessive heat, and the Congressmen here decided that men should not be called upon to work 84 hours a week under those conditions, but gave those men an 8-hour day and put on four more men on the two boats. That is all of the crew that was increased, just on two boats, those four men. They did not have to put a single able seaman more on than was there before. They formerly carried six able seamen and they still carry six able seamen. That is the requirement of the law. They carried nine last year, but that was a union regulation, an agreement between the sailors' union and the company to give the sailors an 8-hour day; but for the period, 1916, 1917, 1918, and 1919 the six A. B's were there before the law went into effect.

MR. BRIGG. A. B. stands for able seamen?

MR. NOLAN. Able seamen; yes, sir. Those boats ran four months last year. The cost of these two oilers and two water tenders would be approximately less than \$2,500 for the two of them.

MR. SCOTT. You do not mean to say that, do you—that they ran for four months last year?

MR. NOLAN. Yes, sir; that is all, four months that I know of. They did not run any more than that.

MR. SCOTT. They did not run as much as that.

MR. NOLAN. How much?

Mr. SCOTT. They ran three months.

Mr. NOLAN. I think you will find that they ran more than three months if you look it up.

Mr. SCOTT. I do not have to look it up. I know. They started on the 15th of June and wound up on the 14th of September.

Mr. NOLAN. I was under the impression that they operated for four months.

Mr. SCOTT. It helps the statement that you are giving it the interpretation, you are attempting to make.

Mr. NOLAN. That would have been lower on the \$2,500 estimate?

Mr. SCOTT. Yes.

Mr. NOLAN. I have been told by the manager of the company that the boats cost \$70,000. Mr. Conway said \$50,000. I do not know which is true. That \$2,000 approximately does not represent the difference between profit and loss on those boats. If they lost \$50,000 or \$70,000 the saving in expense of \$2,000 is not going to put those boats back to operate.

For the benefit of this committee I would like to make this suggestion, that if they can obtain from the management of the D. & C. Co., the company that operates those boats, a statement showing the amount of freight and the number of passengers carried per trip by those two boats for the past 10 years or 5 years, that they will find out that the business decreased, so that it was unprofitable to run them. I know that those boats were going into Detroit last year with very little freight on them. I know they carry deck hands and roustabouts to load and unload freight, and they had the life of Riley last year; they had nothing to do.

That concludes my statement, Mr. Chairman. I would like the committee to ask me as many questions as they can. As I stated before I probably know a little more about it that might be brought out by questions.

Mr. BANKHEAD. What is the difference in rating of life insurance, if any, demanded from seamen and those who work on land in a similar standard of labor, if you know?

Mr. NOLAN. I know that they are in some companies. I have a recollection of them being placed in what is known as—I do not know the term for it.

Mr. LAZARO. Hazardous.

Mr. NOLAN. Hazardous, the same as the structural ironworkers.

Mr. BANKHEAD. Do you know whether on this higher rate whether or not they are prohibitive in carrying life insurance because of the hazard? If you do not know, do not make a statement.

Mr. NOLAN. I know that they are classed in what are called hazardous occupations. They do not get as cheap a rating as other occupations, but just what difference there is I do not know.

Mr. GAHN. You know that life insurance companies do not discriminate against passengers riding on the Great Lakes?

Mr. NOLAN. I presume they figure that a passenger on the Great Lakes is there for a short time and not like a seaman who is there all the time.

Mr. GAHN. I am figuring only from the standpoint of the Great Lakes. What is your suggestion, if you have any? I was not here when you talked about extending the time later in the fall and setting it ahead in the spring on the Great Lakes.

Mr. NOLAN. I did not talk about that.

Mr. GAHN. Do you object to that part of this bill? That is a question that, of course, affects the seamen, and if the traveling public have no objection, if they are willing to take those chances, I presume we will have to. It seems to me that a few weeks either way would not make very much difference; but, as I understand it, Congressman Scott wants to still amend his amendment so as to make it from the opening of navigation to the close of navigation.

Mr. GAHN. So far as the present bill is concerned, you have no objection to that feature of it?

Mr. NOLAN. To this one; but I do think it is going too far to extend it from the opening of navigation to the close of navigation.

Mr. GAHN. On page 7, the part of the bill you pointed out, you stated that there were some changes in the percentage of lifeboats, life-preserver equipment in the present law. Let me call your attention to the fact that is only permissive and is not mandatory. It still has the supervision of the Government inspector, and they can increase it above the 50 per cent.

Mr. NOLAN. I do not think they can.

Mr. GAHN. On page 7, at the bottom of the page, line 25, it says "that during the interval May 1 to October 16," etc.

Mr. BANKHEAD. What page are you reading from?

Mr. GAHN. Beginning at page 7, at the bottom, line 20:

The accommodations provided in lifeboats shall in every case be sufficient to accommodate at least 50 per cent of the persons on board.

Then it goes on to say that the number and type of such lifeboats and life rafts shall be determined by the regulations of the Government officers. That is on page 7, beginning at line 22.

Mr. NOLAN (reading):

The accommodations provided in lifeboats shall be sufficient to accommodate at least 50 per cent of the persons on board. The number and type of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

Mr. GAHN. In line 21, it says it shall be at least 50 per cent. Does not that amply protect the passengers where in any certain types of boats the Government official may require more than 50 per cent?

Mr. NOLAN. They have never to my knowledge done so yet. There is no boat on the Lakes or either ocean that the inspectors have required more than what the seamen's law stated.

Mr. GAHN. On page 8, line 14, it says they shall be required to carry accommodation for not less than 50 per cent of persons on board in lifeboats and pontoon rafts, leaving it discretionary with the United States officials in certain types of boats to require more, so that the change from the percentages would not be materially different, would it?

Mr. NOLAN. Certainly, it would.

Mr. GAHN. So far as safety on the Lakes is concerned?

Mr. NOLAN. The United States steamboat inspectors, to my knowledge, have never specified that the boat shall carry a greater life-saving equipment than what the law says. If the law cuts down the requirements, the inspector will cut it down. They have never gone over what the law says, to my knowledge.

Mr. GAHN. But they can.

Mr. NOLAN. I can cut my finger off, but I am not going to do it.

Mr. GAHN. Before they had any law at all, or this law, did not the Government officials require a certain percentage of lifeboats?

Mr. NOLAN. Yes; but not as much as the law requires. For instance, on salt water I believe the law was only one-third.

Mr. GAHN. Here is my point. Why should Congress determine what the percentage should be in any case of a boat rather than the Government officials who are right on the spot inspecting that very boat? Does it not fully protect the passengers to have the Government officials who are presumed to know what is necessary on each boat to have them determine the percentage by a reasonable minimum?

Mr. NOLAN. I might say, in answer to that question, that Gen. Uhler, head of the department of this inspection service, once stated—I can not quote his words, but that he believed that Congress should designate certain standards that the department could not go below. There is a great deal of pressure put on these inspectors. There can be a great deal of pressure put on them to make it higher or lower, and I believe that Congress should set some figures that they can not go below.

Mr. GAHN. That is what I believe, too, but I believe it should be reasonable. The D. & C. have some boats with several decks and on some parts of Lake Erie that I happen to be a little familiar with if the boats were submerged it would not submerge all the decks in most of the waters.

Mr. NOLAN. This law says that any vessel operating over a route where the water is not deep enough to submerge all of the vessel that the seamen's law does not apply at all, but what the steamboat inspector prescribes.

Mr. SCOTT. If it is within the 3-mile limit?

Mr. NOLAN. Within the 3-mile limit.

Mr. SCOTT. Outside of the 3-mile limit where the decks will be submerged there is no provision.

Mr. HARDY. It is where the decks would not be submerged under the existing law?

Mr. SCOTT. But there is a different percentage required on a ship operating within the 3-mile limit and those operating outside of the 3-mile limit, even in the event that the decks would not be submerged.

Mr. NOLAN. The seamen's law does not apply to any passenger boat operating outside of the 3-mile limit over a route where the water is not deep enough to submerge all of the decks of the vessel.

Mr. SCOTT. But you will admit—that is my insistence—that that provision is different than one applying entirely to ships operating within the 3-mile limit. Those ships would be purely excursion ships. The point is this, that in order to come within the purview of that provision any ship operating outside of the 3-mile limit, if in her course there was a spot where she had to go for five minutes over water that would submerge her decks and the balance of her entire course was in waters that would not submerge, she would not be excluded under the provisions of the act?

Mr. NOLAN. You say certainly there could be cases like that, but then to exclude that boat as operating for five minutes over a spot

deep enough to submerge would be to exclude boats operating all the time over deep water if we wanted to exclude them.

Mr. SCOTT. My thought is this, that there are many instances where the law in a broad way covers the situation which assumes that the ship is constantly in water that would submerge her decks when in actual practice it is impossible. I say it is impossible, it is impracticable at least, to cover the natural conditions by general legislation. Ships are operating where 95 per cent of their time they are in waters that if the ships sunk it would be impossible to sink below her second deck.

Mr. NOLAN. I do not know of any such boat.

Mr. SCOTT. Yes; I know of a number of them.

Mr. NOLAN. I do not know of any.

Mr. HARDY. Let me make a suggestion. When this matter was being investigated by the committee at first certain instances were cited to the committee where vessels then running more than 3 miles offshore on the entire route were in a depth that would not submerge all of the vessels; then they were exempted by the law, but the general provision that if they are not in water deep enough to submerge all of the vessel this law does apply. Whether there is a particular route that might have 5 per cent or five minutes of its run over such waters I do not know.

Mr. NOLAN. I know of none, either.

Mr. SCOTT. You do not mean exempted; they are limited.

Mr. HARDY. I mean vessels traveling entirely over a route where the water was not deep enough to submerge all of the decks were exempted from the application of this law.

Mr. SCOTT. You do not mean exempted from the requirements, but lessened.

Mr. HARDY. I think they are exempted.

Mr. SCOTT. You do not mean to say that ships operating on the Great Lakes are entirely eliminated where their decks would not be submerged?

Mr. HARDY. Eliminated from the requirements that apply to the ships?

Mr. SCOTT. No; not entirely eliminated. Every ship has to carry certain equipment.

Mr. HARDY. They would carry life preservers. You do not want them exempted from everything?

Mr. SCOTT. Not at all.

Mr. NOLAN. If I may be permitted, the seamen's law and the life-saving equipment do not apply in any way to those ships. That is entirely left to the discretion of the steamboat inspector what equipment to put on them.

Mr. GAHN. Your point is that the law ought not to have such a minimum of these safety devices—boats and rafts—on the majority of the boats on the Great Lakes that really do not need them, and get your minimum low enough so that then it is necessary to increase the percentage under the discretion of the Government officials.

Mr. NOLAN. How are we going to know what boats do not need them?

Mr. GAHN. The testimony we have heard here indicates that most of them on the Great Lakes do not need them.

Mr. NOLAN. Our testimony?

Mr. GAHN. Such a large percentage as fixed by the La Follette seamen's act.

Mr. NOLAN. You claim that the present law is excessive in the limit of lifeboat equipment on the Great Lakes?

Mr. GAHN. That is, the minimum.

Mr. NOLAN. The minimum in cold water, in the winter period, is 100 per cent. I do not think that is too much to have on any boat. Give every man, woman, and child on the boat a chance for its life; 100 per cent, that is 75 per cent boats and 25 per cent rafts. This law wants to change that division and make it 50 per cent boats, I presume, and 50 per cent rafts in the summer period, reducing the requirements that there shall be lifeboat equipment for boats running over deep water more than 3 miles from shore for 50 per cent of the people on board. This law wants to cut that down to 25 per cent. I think the 50 per cent should be minimum. This amendment says 25 per cent is enough. I do not think so. I think that the bill should be extended to at least half of the people who should be entitled to a chance for their lives. The amendment says 25 per cent of the people.

Mr. HARDY. In other words, this amendment would enable excursion boats to carry crowds with only 25 per cent provision for safety in case of passengers.

Mr. NOLAN. The present law is 50.

Mr. SCOTT. Do you mean the life belts, buoys, and life suits that they have carried voluntarily?

Mr. NOLAN. What life suits? What life suits? I never heard nor have seen any.

Mr. SCOTT. You do not mean that?

Mr. NOLAN. I mean it.

Mr. SCOTT. Did you ever travel on the D. & C. boats?

Mr. NOLAN. Yes, sir.

Mr. SCOTT. You know that under every single berth there are always four life suits that you put on, made out of cork?

Mr. NOLAN. Life preservers?

Mr. SCOTT. I mean life suits. Every single evening during the operation of these ships, you know that for one hour from 7 o'clock to 8, an employee on each one of those passenger boats holds a meeting in the cabin of the ship, advising the people how to put on the life suits. Don't you know that to be the fact? You can answer that question yes or no.

Mr. HARDY. If he wants to answer it, let him answer it.

Mr. NOLAN. You asked me if I did not know they carried life suits and life buoys. I never knew anything about life suits. I never heard of them. They do carry belts and preservers. I do not know what life suit means. The life preservers that you have reference to must be provided for every passenger and the crew of every boat, but whether the life preservers will save your life or not I am not sure about that. Life preservers put on little children can drown them by tipping them over and floating them feet up. That has been proved.

Mr. HARDY. Were you here during any of the investigations prior to the passage of the seamen's law?

Mr. NOLAN. I was sailing at that time.

Mr. HARDY. You do not know then to what extent this whole subject was gone into at that time?

Mr. NOLAN. This is my first time before any committee.

Mr. HARDY. But you do know that prior to the passage of that law there was no law with regard to the standard of efficiency for the operation of these ships?

Mr. NOLAN. Absolutely none.

Mr. HARDY. And that there was no limit to the equipment except such as was prescribed by the inspectors?

Mr. NOLAN. That is all.

Mr. HARDY. This law was intended to fix at least a minimum in these respects?

Mr. NOLAN. Yes.

Mr. HARDY. Have you ever known the inspection service to require a different minimum?

Mr. NOLAN. Never to my knowledge. I might state on that, regarding able seamen, that is the standard of efficiency in the crew. This proposed amendment wants to do away with that altogether by reducing it to 25. It proposes to substitute certificated lifeboats manned with able seamen, to do away altogether with the able seamen examination, the certificate, as they call it. The present law requirement is that a man must serve his 18 months on deck and then get his certificate, as we call it, from the Department of Commerce, through the steamboat inspector.

Mr. MILLS. Does he become an able seaman in 18 months?

Mr. NOLAN. They go on this presumption—that a man who has served 18 months on the deck must have absorbed some of the knowledge necessary to enable him to become an able seaman.

Mr. MILLS. I thought it was three years.

Mr. NOLAN. Three years on salt water and 18 months on the Lakes. As I stated, the provisions of the seamen's law are not so strict on the Lakes as on salt water.

Mr. HARDY. As a matter of fact, the question was raised by the Lake people, and we reduced the requirements in the bill on the Lakes from 3 years to 18 months.

Mr. MILLS. Don't you think that a man, for instance, who makes a voyage on a deep-sea ship lasting six months on a sailing vessel is more likely to come back an able seaman than a man who spends 12 months on a passenger vessel on the Great Lakes?

Mr. NOLAN. He would be a better all around seaman, yes, sir; and then he would have to become accustomed to passenger boats. The work is different on all of them. For instance, on the Great Lakes we have every year a large influx of salt-water men, and the first few months they are up there, the first six or eight months amongst themselves, they are rather looked upon as not being quite as good men as the men raised on the Lakes and sailed there all the time, because conditions are different.

Mr. MILLS. But if they have sailed for three years on salt water they are able seamen and they are listed as such when they go to the Lakes.

Mr. NOLAN. I mean to say they can not steer as good. That is one of the main requirements on the Lakes. They do not know the

rivers and courses and can not steer a steamboat. When it comes to pulling an oar, probably they are a little better.

Mr. SCOTT. You do not mean to lead Mr. Mills to believe that the ordinary seaman on the Great Lakes ship participate to any perceptible degree in steering of a ship, do you?

Mr. NOLAN. On a great many ships they do, and on a great many ships on the Lakes the ordinary seamen are called in. That is their job. I do not know that it happens on passenger boats, because passenger boats do not want to take chances with lives and property intrusted to them, but on the freight boats the ordinary seamen, nearly all of them, do some operating during the day or night, getting a little time at the wheel. Then the passenger boats in a great many cases draw their wheelmen from the freight boats.

Mr. GAHN. That does not require any great skill to steer a boat on the Great Lakes. Half a day's experience would be sufficient at the wheel. They could learn all that is necessary to operate and steer a boat on the Great Lakes.

Mr. NOLAN. Not in half a day. You could not learn it in three years.

Mr. GAHN. But you could learn to sound a channel and learn to steer with the steering apparatus within a few hours.

Mr. NOLAN. You would not learn to be a competent wheelman in three years.

Mr. SCOTT. Have you ever acted as a wheelman on a ship?

Mr. NOLAN. Yes, sir.

Mr. SCOTT. We will leave Port Huron, going north on our way; we will assume the longest possible run. We are on our way from Buffalo to Duluth. We are leaving Port Huron, taking it across from the lightship down to the outside of Port Huron, 7 miles outside of Port Huron.

Mr. NOLAN. Yes.

Mr. SCOTT. Where do you change your course again to hold almost to the northeast, cross around, and going north?

Mr. NOLAN. It all depends on weather conditions. If I want to keep in shore——

Mr. SCOTT. I am talking about the ordinary course.

Mr. NOLAN. But weather conditions vary every time. They are never the same.

Mr. SCOTT. You and I agreed on that this morning. When you leave Port Huron you take your course for what point?

Mr. NOLAN. Generally for Sand Beach.

Mr. SCOTT. Sand Beach is how far from Port Huron?

Mr. NOLAN. Sixty miles.

Mr. SCOTT. Your course will be between the light ship off of Port Huron and that off of Sand Beach.

Mr. NOLAN. Sometimes you do; sometimes you do not.

Mr. SCOTT. Ordinarily.

Mr. NOLAN. Ordinarily you do not.

Mr. SCOTT. Do you then change your course there?

Mr. NOLAN. You change; then the ship will course for Thunder Bay Island light.

Mr. SCOTT. How far is Thunder Bay Island light from the harbor port light?

Mr. NOLAN. It must be 80 to 90 miles.

Mr. SCOTT. When you get to Thunder Bay, do you change your course more?

Mr. NOLAN. Yes, sir.

Mr. SCOTT. Where do you change to from there?

Mr. NOLAN. From Thunder Bay Island to head across up Detour.

Mr. SCOTT. How far do you go then on that course?

Mr. NOLAN. From Detour?

Mr. SCOTT. Yes.

Mr. NOLAN. You go up the river from Detour.

Mr. SCOTT. When you get to Thunder Bay Island, don't you take your course to Middle Island, 16 miles away?

Mr. NOLAN. Yes.

Mr. SCOTT. And when you get to Middle Island change your course again—you are going to Detour; change your course again and you put your course to East Bobolow light, which is at the south end of Bobolow Island. Is that correct?

Mr. NOLAN. What I meant to say is this: Do you mean to tell me that the wheelsman makes all those courses?

Mr. SCOTT. No; I am simply showing you can steer the course absolutely accurate with the compass.

Mr. BANKHEAD. Do I understand that you agree that the ordinary seaman is not competent to act as wheelsman?

Mr. SCOTT. No.

Mr. BANKHEAD. I do not understand the object of your inquiry.

Mr. SCOTT. The object of my inquiry is this, that it is not a difficult thing to act as a wheelsman on a ship on the Great Lakes with practice, and they do so, but on a passenger ship it is really quite a job to be a wheelsman. That is my sole purpose, and I did not want the inference to be drawn by members of the committee that they were changing their course every few moments, because they held their course 60 and 90 miles and then changed it.

Mr. NOLAN. Do you mean to give the committee the impression that the man has held the wheel just 60 miles?

Mr. SCOTT. Just on the compass.

Mr. NOLAN. Steers the boat 60 miles?

Mr. SCOTT. Steers it on the compass.

Mr. NOLAN. Changing courses—that is one of the easiest things the wheelsman has to do. All he has to do is to change the course.

Mr. GAHN. Agreeing that it would be better from a safety standpoint and from the standpoint of navigating a boat to have 65 per cent of the seamen able-bodied seamen, as you call them, in cases where they are unable to obtain that 65 per cent, what objection, if any, is there to having certified lifeboat men take their places, say, so that they have still 25 per cent or more of able seamen, or any percentage less than 65 per cent?

Mr. NOLAN. I have never known of passenger boats on the Lakes held up or delayed one minute from departing because they could not get able seamen together.

Mr. GAHN. Suppose they were held up?

Mr. NOLAN. In the last five years the hardest time in the history of the country to get labor, they have never been held up. I do not see how they could fail to get them.

Mr. GAHN. On the supposition they were unable to get them, what objection would there be to certified lifeboats with a limit on the percentage of able-bodied seamen?

Mr. NOLAN. I will tell you my objection, if you put it in the law, that they will not look for able seamen. They will make no effort to find them, and consequently they will not have them.

Mr. GAHN. Suppose there is a provision in law that they must make an effort to find them, furnishing satisfactory proof that they could not obtain them.

Mr. NOLAN. The present law requires this—that if they look for them and can not find them they are allowed to depart without them, but they have to make a report of it.

Mr. GAHN. That makes some delay.

Mr. NOLAN. To make a report?

Mr. GAHN. They have to get permission under the present law to sail.

Mr. NOLAN. They may depart and at the first port they arrive at after departing they can make a report.

Mr. MILLS. Were the provisions of the seamen's act suspended during the war?

Mr. NOLAN. No; not to my knowledge.

Mr. MILLS. At any time?

Mr. NOLAN. Not to my knowledge.

Mr. MILLS. Are you familiar with the Canadian law with reference to able seamen?

Mr. NOLAN. I do not know that they have any law regarding able seamen. I am not familiar with the Canadian law. I never heard if they had.

Mr. MILLS. Have you ever heard that Canadian boats were required to carry a certain percentage of able seamen?

Mr. NOLAN. No, sir.

Mr. MILLS. Are you at all familiar with British law on this subject?

Mr. NOLAN. I am not. I never sailed only on the Lakes.

Mr. MILLS. Is your chief objection to this bill the one referring to the able seamen?

Mr. NOLAN. I have about three objections to the bill.

Mr. MILLS. I am asking you which is your main objection.

Mr. NOLAN. I have two main objections.

Mr. MILLS. The two-watch proposition and the able seamen?

Mr. NOLAN. The two-watch proposition does not affect me or my men at all. That affects Mr. Conway, who is to speak on that.

Mr. MILLS. Yes; I know that.

Mr. NOLAN. My objections, of course, are the substitution of certificated lifeboat men in the place of able seamen and lessening the requirements as to life-saving equipment. Those are my two objections.

Mr. MILLS. As to the second objection, you stated you have no real objection to the lengthening of the time to the extra four weeks?

Mr. NOLAN. Yes, sir.

Mr. MILLS. So that your real objection to the bill refers to the 65 per cent provision.

Mr. NOLAN. No; there are three——

Mr. MILLS. I am not trying to pin you down to saying if that were eliminated you would accept the bill. I know you would not.

Mr. NOLAN. That is not what I am trying to do. This bill also lowers the amount of life-saving equipment they have to carry at all times.

Mr. MILLS. I understand that.

Mr. NOLAN. I am opposing that absolutely.

Mr. MILLS. Now, on this seaman's proposition, the 65 per cent, leaving all other considerations out of it, to reduce that would be a very disadvantageous change so far as your union is concerned, would it not?

Mr. NOLAN. Not that I know of. We had a stronger union before that law passed than we have ever had since.

Mr. MILLS. But you did not have the same number of men available for service on ships before, did you?

Mr. NOLAN. I do not get your meaning.

Mr. MILLS. Are not there more men on ships to-day and available for manning the American merchant marine than there were in 1913?

Mr. NOLAN. I believe so; yes, sir.

Mr. MILLS. I am asking you a perfectly frank question, if you take away the three year limitation——

Mr. NOLAN. Eighteen months on the Lakes.

Mr. MILLS. If you take away the 18 months' limitation with reference to the able seamen's proposition, would not that, from the standpoint of your union, be a serious proposition?

Mr. NOLAN. Not that I know of. I can not see why it should be.

Mr. MILLS. Now, let us see. Supposing you go on strike, for instance; under the law to-day no company could replace the striking men unless they could find men who had served for three years.

Mr. NOLAN. Eighteen months.

Mr. MILLS. Or 18 months. I am thinking of the ocean proposition. Is that so?

Mr. NOLAN. Well, they have to find——

Mr. MILLS. Men who have served for at least three years.

Mr. NOLAN. Eighteen months. They would have to find men who had served for at least 18 months.

Mr. MILLS. Now, if you remove this restriction and there is a serious disagreement between your unions and the steamship owners, why, they have an almost unlimited supply of men to draw from, have they not?

Mr. NOLAN. That unlimited supply of men would presumably be men of very little experience.

Mr. MILLS. Oh, all right——

Mr. NOLAN. Would you care to have a boat operated by that kind of men?

Mr. MILLS. I am not expressing an opinion. I asked you a perfectly frank question, and I got a somewhat disingenuous answer.

Mr. HARDY. Is not that really a question for this committee to work out when it comes to consider the bill?

Mr. MILLS. I am asking the question whether they have a private and selfish interest.

Mr. NOLAN. We had a strike this spring and lost it, even with the law.

Mr. MILLS. You might lose it with the law, and you might win it without the law.

Mr. NOLAN. I will answer it that way. It was on passenger boats, too.

Mr. MILLS. Honestly, as a matter of fact, doesn't it strengthen your hand to have this three-year provision, from the union's standpoint?

Mr. NOLAN. You mean the 18 months' provision?

Mr. MILLS. Yes. I apologize to you for continually making that mistake. Doesn't it strengthen your hand to have the 18 months' provision?

Mr. NOLAN. Presumably; I would say it might in case of a strike. But we never have had a general strike on the Lakes; that is, since 1909. The only men ever called on strike on the Lakes since that time, to my knowledge, were on eight boats.

Mr. MILLS. So that, according to you, from the union's standpoint, the 18 months' provision does not interest you at all?

Mr. NOLAN. It interests me in this way, that our men have to do the actual work aboard ship, and if they are forced to sail with an unskilled man, they have to do part of that man's work. If that man is not skilled, it makes their job harder; it makes their job more dangerous.

Mr. MILLS. But aside from that, your organization has no other interest in the change? Your only interest here is in the interest of the public?

Mr. NOLAN. In the interest of the public? No; we have a selfish interest. We not only have the interest of the public but a selfish interest to raise the standard of skill amongst our own men. In other words, you take a plumber; he does not like to work with a novice that had never done the work, because he would have to do his work. And if a bricklayer has to work with a novice, he does not like to do it, because he would have to do his work.

Mr. MILLS. Let me ask you this: Supposing a test, applying to any man to be rated as an able seaman, and for two days he was tested out in every one of the duties which he would have to perform—a thoroughly competent examination—would you people agree to that change for a substitute for the three-year provision?

Mr. NOLAN. Who is going to do the testing, Mr. Congressman?

Mr. MILLS. Government examiners.

Mr. NOLAN. Well, that sounds nice; it listens nice; but Government examiners—there can be pressure brought to bear on Government examiners.

Mr. HARDY. That would be the condition you had when it was all left to the inspection service?

Mr. NOLAN. Yes, sir.

Mr. BRIGGS. Do you think it is a matter of any concern to the public whether they have experienced men manning the ship, where their lives are at stake, or whether they have green, inexperienced men?

Mr. NOLAN. That is the main reason——

Mr. BRIGGS. Just answer that question, yes or no.

Mr. NOLAN. Yes, sir.

Mr. BRIGGS. Do you think it is of any consequence to the members of the crew whether they have green, inexperienced men working with them or experienced men?

Mr. NOLAN. Why, it is a big consequence. They would sooner be working with the experienced men.

Mr. BRIGGS. The lives of the crew are as dear to them as the lives of the public?

Mr. NOLAN. Yes, sir.

Mr. BRIGGS. And the lives of the public are as dear to them as the life of any man on shipboard?

Mr. NOLAN. Yes, sir.

Mr. BRIGGS. When vessels get in distress, is everybody calm and collected on board ship?

Mr. NOLAN. I was only in one wreck in my life. Of course, it was not a passenger boat. It was a lumber hooker. As my recollection goes, the majority of us were calm and collected, with the exception of an ordinary seaman, who had only been on the boat about two months and a fireman who had only been there about the same length of time. They became so seasick and so frightened that one of them laid down on deck, up near the forward house, and he was supposed to be on watch at the time in the firehold. Another fireman, who had been firing for a number of years, had to go down and do his work. This fellow came up there hollering to the captain about wanting to get ashore. Of course, there was no use wanting to get ashore, because you could not. He laid down on the deck with his arm on a hot steam pipe, and did not have enough energy to remove his arm from the steam pipe and was burned all along his arm.

Mr. MILLS. Three years at sea would not have helped that boob. [Laughter.]

Mr. NOLAN. That man was so sick he did not care whether he lived or died.

Mr. BRIGGS. Don't you think three years' experience on a ship helps to develop coolness and clearheadedness and to avoid a panicky condition?

Mr. NOLAN. Yes, sir.

Mr. BRIGGS. Just the same as it is with troops?

Mr. NOLAN. Yes, sir.

Mr. BRIGGS. Just the same as it is with firemen who perform their duties?

Mr. NOLAN. Yes, sir.

Mr. BRIGGS. And just the same as it is with the police force that is trained?

Mr. NOLAN. Absolutely.

Mr. BRIGGS. Is it not a requirement, for instance, in a great many metropolitan cities like New York, that they have a great long training for the men before they perform police duties or do you know anything about that?

Mr. NOLAN. I do not know anything about that.

Mr. BRIGGS. Do you not think the better men are the men who have been trained and who have been given experience under some of the actual conditions they have to face during the time they are being trained?

Mr. NOLAN. My experience in life——

Mr. BRIGGS. Just answer that yes or no, if you know?

Mr. NOLAN. I do not get your question.

Mr. BRIGGS. Do you not think men trained and given experience under some of the actual conditions they have to meet, make better

men in the service than when they are just trained without this experience in the conditions they have to face, while the training is going on?

Mr. NOLAN. Yes, sir. My experience has been the practical man, the man who is experienced, is the most skilled man. You can not get knowledge out of books. You have to have practical experience.

Mr. BRIGGS. Do you think those men are more valuable to the ships and to the public generally than the other classes of men?

Mr. NOLAN. Yes, sir.

Mr. BRIGGS. You think for work in certain special classes of hazard that they are better than other classes of men?

Mr. NOLAN. They are absolutely indispensable then.

Mr. HARDY. This seamen's bill was passed in 1915?

Mr. NOLAN. Yes, sir.

Mr. HARDY. At that time it required the percentage of able seamen in the deck crew to be, for the first year, 40 per cent; second year, 45 per cent; third year, 50 per cent; then 55 per cent and, after that, 65 per cent. Now, this bill comes along and reenacts that provision and makes it go into effect as of the date of the passage of the act, so that it gets back to the 40 per cent we began with.

Mr. NOLAN. This law does not require the Lakes to carry any able seamen. That is the ocean.

Mr. HARDY. I am speaking of this provision here which is intended to amend section 13 "that no vessel of 100 tons gross and upward" shall leave port unless it has that percentage, and the 40 per cent amendment begins after the passage of the law.

Mr. NOLAN. My understanding of that provision is this, that on the ocean it reduces the present 65 per cent required to 40 per cent and starts to work up then to the 65 per cent, and it exempts the Lakes entirely from any able seamen at all.

Mr. HARDY. That is the point I am trying to get at; it starts back at the 40 per cent.

Mr. NOLAN. That is it.

Mr. HARDY. There may be some question as to whether that is true or not, because it amends existing law; but, if it is not true, then there is no use of putting that schedule in here. It looks like it would give them the right to go back and to start, even on the ocean, with the 40 per cent of able seamen.

Mr. NOLAN. That is true.

Mr. HARDY. Another thing: Under the existing law, on the Lakes, 18 months is the extreme requirement of service to enable a man to claim title as an A. B.

Mr. NOLAN. Yes, sir.

Mr. HARDY. I want it to be understood also that upon examination, under rules prescribed by the Department of Commerce, as to eyesight, hearing, and physical condition, such persons or graduates found to be competent may, after 12 months—graduates of certain institutions—be given the rating of able seamen. The law reads:

That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, and physical condition, and knowledge of the duties of seamanship, a person found competent may be rated as able seaman after having served on deck 12 months at sea or on the Great Lakes.

So that under the law now a man may be rated as an able seaman if he is bright and efficient, even though he has not served but 12 months at sea or on the Lakes. But there is a condition to that——

Mr. NOLAN. Twenty-five per cent.

Mr. HARDY (continuing). That only 25 per cent of the entire able seamen crew shall be of the 12 months' type. So that now you have an opportunity to get men who have served on the Lakes or on the ocean for only 12 months, for service on the ships, if they are competent?

Mr. NOLAN. That is true.

Mr. HARDY. Men who have gone through these schools, having served 12 months, if they are competent, or men who have served 18 months on the Lakes or at sea, can be rated as able seamen. Was not that requirement as to the Lakes and the overseas requirement put in at the request and urgent insistence of the great body of representatives of the lake and boating interests, when this bill was up before?

Mr. NOLAN. I do not know who urged it, but that is the law.

Mr. HARDY. That is the law now?

Mr. NOLAN. A man can serve 12 months on deck any place in the world—it is not necessary for that service to be on the Lakes—and if he passes a seamanship examination he can obtain his able seaman's certificate for the Great Lakes.

Mr. HARDY. Did not you bring in testimony at the public hearings tending to show the hardships that were imposed on crews in the Lake service, prior to the passage of this act, in long hours?

Mr. NOLAN. I might state that I started myself as a deck hand, and that I have worked—the first boat I was on, I went on watch at midnight and worked from midnight until 6 in the morning on watch. I was off watch from 6 in the morning until noon, on from noon until 6 o'clock, and then off until midnight. That is the meaning of on watch and off watch. You are 12 hours per day on watch and 12 hours per day off watch. In the time off watch you have to wash up, eat your meals, change your clothes, etc. Out in the Lakes I was passing coal and only worked 12 hours per day, with the exception of when we came to what we call the Soo, when we had to get up, whether we were on watch or off watch, and handle the necessary lines to handle the boats to go through the locks at that point. Then we would continue on our journey up Lake Superior and only work 12 hours per day on that journey. When we arrived in port at the upper end of the Lakes, it might happen this way, that the boat would get in at 6 o'clock in the morning; I had been working from midnight. We would then work all that day, painting or doing other necessary work aboard that ship—unnecessary work, we used to call it. Maybe at 6 o'clock that night the boat, when it would come time for us to quit painting, and so on, would start to load. Then we would have to be up all the time the boat was loading. It might happen she would load in five or six hours and be fully loaded by midnight and go out in the Lake again. I did not get any rest. I went down in the fire hold and passed coal for six more hours. In other words, I would work from midnight until 6 o'clock the day following; that is, I would work 30 hours on a stretch without sleep and no definite time off.

That was common practice on nearly all boats. It sounds inhuman. And we are told down here that the vessel owners have wings; or, that is, we are given that impression that they are angels; that they would not do this or would not do that. But, nevertheless, the same men who were operating the boats and putting those working conditions into effect, practically, a lot of them are the same men who are still operating the boats.

Mr. MILLS. Does this proposed bill change that situation?

Mr. NOLAN. No; this amendment does not change the present law on that question at all.

Mr. MILLS. It leaves the seamen just where they are now?

Mr. NOLAN. It leaves the coal passers and deck hands just where they are now; that is, the coal passer can not work on deck and the deck hand can not work as a coal passer.

Mr. MILLS. It leaves the seamen just where they are?

Mr. NOLAN. Absolutely no. You say it leaves the seamen just where they are? You mean the able seamen?

Mr. MILLS. Yes.

Mr. NOLAN. It takes away any requirement as to whether they shall have the certificated able seamen or not.

Mr. MILLS. I know that; but I mean as to hours of work.

Mr. NOLAN. It is just the same there as to hours of work. For instance, it would restore the condition in effect prior to the passage of the seaman's act. As Mr. Scott told me yesterday, his first duty on a ship was that of lookout. That is one of the skilled positions in the deck department, or supposedly one of the skilled positions in the deck department. I just cite that to prove that a man, whether he has had any experience on a boat or not, could ship as one of those skilled men in the able seamen's crew; that is, in the position of lookout. And Mr. Scott told me yesterday he first shipped as a lookout. He could not do that under the present law; he would have to serve a certain length of time aboard ship.

Mr. MILLS. But you were describing the length of time you had to work prior to the passage of the law. Mr. Scott's bill does not in any way restore those conditions, so far as length of time is concerned?

Mr. NOLAN. No; not a bit.

Mr. MILLS. I would like to ask you two more questions, and I am still harping on the three-year provision. Did not we turn out not only able seamen, but did not we turn out pretty good naval officers after three months' training, during the war?

Mr. NOLAN. I do not know that we turned out the naval officers after only three months' training; I never heard of it. That may be so.

Mr. MILLS. That is so; and they were pretty good naval officers, too. But you did not know it, so I won't question you any further on that. You did not seem to attach any importance to this examination suggestion of mine; you seem to think that an examination would not be a very good test.

Mr. NOLAN. What I would like to see, Mr. Congressman, is an examination and then some practical experience. I would like to see a man have to put in a certain length of time and then also be examined as to seamanship.

Mr. MILLS. So that you think an examination could be made to reveal whether a man was a competent seaman or not?

Mr. NOLAN. That is a hard thing to do. A man might read up on a book and absorb some theoretical knowledge and have no practical experience at all; he might absorb some of this book knowledge and be able to answer questions.

Mr. MILLS. But you would not test a seaman by a written examination would you?

Mr. NOLAN. I suppose he would be asked questions.

Mr. MILLS. You do not think he would be made to perform the actual duties of an ordinary able seaman?

Mr. NOLAN. I do not think so, because the equipment necessary to determine that would be expensive, and you can not determine it anyway only at sea.

Mr. MILLS. Supposing we did determine it; supposing the United States Government furnished the apparatus to give an absolutely practical test of whether a man could perform the duties of an able seaman. Under those circumstances would you be willing to waive the 18 months?

Mr. NOLAN. I would not; I think a man should have some practical experience. I do not see how a man could be an able seaman without having gone to sea. He can not learn it out of books; he can not learn it on shore.

Mr. MILLS. Then probably he could not pass this examination.

Mr. NOLAN. I think it is all useless.

Mr. MILLS. Supposing you take him out on the boats and he is made to do everything, some of the things our friend Mr. O'Brien described here yesterday—splice ropes, lower boats, test his eyesight, and ability as a lookout, make him swing over the side of the boat and paint the side of the ship, make him rig a jury rudder—all of which could be done on the boat—and suppose you found he could do all those things, do you think he should receive a certificate as an able seaman or not?

Mr. NOLAN. You are asking a question it is impossible to answer. A man to be able to do that must have had some time at sea.

Mr. MILLS. Of course. But if he were able to do all those things, would you be willing to rate him as an able seaman and not impose the 3-year or 18-months provision?

Mr. NOLAN. I think he could not learn all that in less than a year or 18 months. That is the provision on the Lakes now. I would be very glad to have such an examination and also to show he has served on deck—very glad. But he could not learn to do all that without some sea experience.

Mr. HARDY. Does not this very provision, reducing the time to 12 months, meet the matter suggested by Mr. Mills, if he is found to be an especially bright and competent man?

Mr. NOLAN. Yes, sir.

Mr. DAVIS. If a man's qualifications can be determined alone by examination, do you know why it is New York and practically all the other States require three or four years' intensive study before a man is permitted even to stand an examination for admission to the bar, to practice medicine, dentistry, engineering, and the various other professions?

Mr. NOLAN. You must remember I——

Mr. DAVIS. I will ask you if it is not a fact that all of those requirements are based upon the recognized general knowledge that a man's fitness and his qualifications to practice or engage in those professions or vocations can not be determined simply by an examination?

Mr. NOLAN. I suppose that is the way; I do not know anything about law. I have heard the word and that is all I know about it. I am not a lawyer.

Mr. MILLS. You are lucky.

Mr. BRIGGS. You were asked a moment ago as to whether or not naval officers, competent naval officers, were turned out in three months. I think you stated you did not know. Do you know whether the United States is still conducting a training school at its Naval Academy and requiring four years' study to turn out naval officers, and has not even reduced the time to three years there?

Mr. NOLAN. I do not know that, either.

Mr. KIRKPATRICK. Is there a union among the ordinary seamen and certificated lifeboat men?

Mr. NOLAN. I will go into it rather extensively. The unions on the Lakes——

Mr. KIRKPATRICK (interposing). I think perhaps Mr. Furuseth can do that better. I am only asking you whether there is a union or not?

Mr. NOLAN. Among the certificated lifeboat men?

Mr. KIRKPATRICK. Yes.

Mr. NOLAN. The certificated lifeboat man may be drawn from any department of the ship. He can be in the steward's crew or the engineer's crew or the deck crew, or he can be an engineer or a captain or mate, and so on. Now, a large number of the certificated lifeboat men come from the steward's department. The rates of pay in the steward's department vary. For instance, an able seaman last year was receiving wages of \$125 per month. He was the skilled sailor. A large number of certificated lifeboat men were in the steward's department. A large number, the vast majority of the men in the steward's department at the port of Detroit—I was there last year—received about \$44 per month. They were flunkies of all descriptions—window washers, dishwashers, scrubbers, linen-room boys, and so on. The steward's department must have had a crew of 150, probably; I do not know just how many in the steward's department alone. Out of that there would be one steward, one chef, and some cooks. The chef would be of some assistance to do the actual cooking, but the rest of them were mainly bell boys, dishwashers, and so on—\$44 a month help. There were some of those men who had lifeboat certificates.

Mr. KIRKPATRICK. What I want to know is what percentage of your men on the ship, outside of the able seamen, are unionized? Can you give us any idea?

Mr. NOLAN. On all ships?

Mr. KIRKPATRICK. Give us some idea on the Lakes.

Mr. NOLAN. Passenger ships?

Mr. KIRKPATRICK. Any ships.

Mr. NOLAN. What percentage of the sailors?

Mr. KIRKPATRICK. Yes; what per cent of the employees on the Lakes are unionized. Fifty per cent, do you think?

Mr. NOLAN. On all ships?

Mr. KIRKPATRICK. Yes; on the Lakes.

Mr. NOLAN. No; not 50 per cent.

Mr. MILLS. You will have to exclude the Steel Corporation ships if you want to get any fair idea.

Mr. SCOTT. This bill is limited to passenger ships.

Mr. KIRKPATRICK. Limit it to passenger ships. What percentage of the employees on the passenger ships not able seamen belong to unions?

Mr. NOLAN. I will state this, that the majority of the firemen, oilers, and water tenders belong.

Mr. HARDY. May I put in right there that the servants at the table on the boat on which we went across the Pacific were young boys just taking their first trip over those waters, and I do not reckon they belonged to the union, and I guess they change very frequently on the passenger boats.

Mr. NOLAN. The able seamen and probably the firemen, oilers, and water tenders are organized——

Mr. KIRKPATRICK. About 60 per cent?

Mr. NOLAN. On all the boats on the Lakes?

Mr. KIRKPATRICK. Yes.

Mr. NOLAN. A little more than that; between 60 and 70 per cent. And the other department—the steward's department—I would not estimate it to be more than 40 per cent organized.

Mr. MILLS. Are not the passenger boats completely unionized?

Mr. NOLAN. I do not know what you mean by completely unionized. Even with sailors, the able seamen on the boats, that are supposed to be 100 per cent organized—even if the owners would agree to carry nothing but union men—there are lots of times men on board who do not belong to the union, but afterwards go into the union.

Mr. MILLS. Accidents happen; but as a general proposition is it not a fact the boats on the Lakes to-day are unionized?

Mr. NOLAN. No, sir. I have been told there are four boats that have discontinued service around Kellys Island. I never heard of it. They can not be unionized, or I would know of it. There are two boats operating at the Straits of Mackinac——

Mr. MILLS. Are they operating?

Mr. NOLAN. They have been discontinued. They were never unionized.

Mr. MILLS. I am asking you about boats that are operating. Of course, boats laid up at the dock are neither open-shop boats nor union boats.

Mr. NOLAN. You misunderstand; I mean they never had been unionized when they were running.

Mr. MILLS. So far as you know there may be boats that are not unionized? That is your answer?

Mr. NOLAN. I have learned down here of some that I did not know existed.

Mr. MILLS. Before you came down here you were under the impression the passenger boats on the Lakes were completely unionized?

Mr. NOLAN. Not completely.

Mr. MILLS. I say accidents happen.

Mr. NOLAN. No. I mean boats we had no men on, to my knowledge.

Mr. MILLS. Passenger boats?

Mr. NOLAN. Passenger boats.

Mr. MILLS. Name one.

Mr. NOLAN. There is the Hill Line out of Chicago. The way I know about it is this: Mr. Little, business agent in Chicago for the marine cooks and steward's union, came into my office and told me—he did not come in to tell me that especially, but he came into my office and, incidentally, he told me he was going to sign up a contract with a line of passenger boats. I asked him what line it was and he told me the Hill boats, if I am not mistaken. As I was a stranger in Chicago, had just been newly elected secretary and taken up my office there, I asked whether they had our men on the boats and he told me no.

Mr. MILLS. I understand the able seamen on the Great Lakes all belong to unions.

Mr. NOLAN. The best estimate I can make is they are 60 to 70 per cent organized and 30 to 40 per cent unorganized.

Mr. MILLS. That is on the passenger boats?

Mr. NOLAN. No; on the Great Lakes.

Mr. MILLS. You are including the steel corporation boats?

Mr. NOLAN. You have to.

Mr. MILLS. That is where you get your 30 per cent. As far as the passenger boats are concerned on the Great Lakes, is it not true that all the able seamen are organized?

Mr. NOLAN. Not all of them. I just got through telling you of a line of boats that do not carry our men at all.

Mr. SCOTT. What boats?

Mr. NOLAN. The Hill boats.

Mr. SCOTT. How many are there?

Mr. NOLAN. I do not know.

Mr. SCOTT. There is one, and it is owned by the captain and engineer.

Mr. NOLAN. I told you I had never heard of the boat until Mr. Little came in and told me he was going down to sign up a contract.

(The committee thereupon took a recess until 2 o'clock p. m.)

AFTER RECESS.

The committee reassembled pursuant to the taking of the recess, Hon. William S. Greene (chairman) presiding.

STATEMENT OF MR. K. B. NOLAN—Resumed.

Mr. BRIGGS. Have you completed your testimony?

Mr. NOLAN. No, sir; I have not. My impression is this: In these hearings I have heard so far that there have been no passenger boats lost on the Great Lakes. I do not know whether I am correct in that or not. I have not had time to look it up and get definite information as to how many were lost, but in reading some of the old testimony when the hearings on this bill were had——

Mr. BRIGGS. Give the date of it.

Mr. NOLAN. The title of it is "Seamen's bill hearings held before the Committee on the Merchant Marine and Fisheries, House of Representatives. Hearings of December 13, 15, 16, 17, 18, and 19, 1913." On page 343 a Mr. Thatcher asked Mr. Morton these questions. Mr. Morton was manager or president of the Graham & Morton Line. He was an owner, I presume, of it. That is the same line about which there was testimony before this committee the other day, the line that had not paid a dividend since 1874, I believe it was. Mr. Thatcher asked the question, "Did you lose a boat 15 years ago between Chicago and Benton Harbor?" And the answer was:

Mr. MORTON. No; between Chicago and Holland.

Mr. MANAHAN. What was the name of the vessel?

Mr. MORTON. The *Milwaukee*.

Mr. THATCHER. Was there not a boat lost between Chicago and St. Joseph or Benton Harbor about 15 years ago, or since that time?

Mr. MORTON. There was. It was a long while ago, however. The steamer *Hippocampus* left with a load of fruit, went out from St. Joseph about 11 o'clock at night, and a sharp summer squall came up. It made quite a sea for several hours, but not a stormy sea, and that in some way wrecked the vessel. They claimed she went down on her side and filled with water and went down, and her upper works, the light structure of her cabin, was raised off; and out of about 75 or 80 there were, I think, 39 saved on this raft, if you may call it so, made out of the cabin of that steamer.

That is two boats that have gone down.

Mr. SCOTT. When did they go down; does it say there?

Mr. NOLAN. It does not say when they went down. It says about 15 years ago.

Mr. SCOTT. One was in the summer and the other in the fall.

Mr. NOLAN. One was in the summer. It says so distinctly. It says a summer squall came up.

Mr. SCOTT. It does not give the time?

Mr. NOLAN. No; but it says "a summer squall." And it says some 39 were saved out of 75 or 80, on some raft they made or built out of the superstructure of the boat.

Then, on page 345:

Mr. MANAHAN. You did not tell us what happened to the *Chicora*.

Mr. MORTON. The *Chicora* was caught in a blizzard similar to the blizzard a short time ago on Lake Huron and she happened to be in the center of it, with ice conditions all around her; and, so far as she is concerned, she went out of sight; that is all we know. She was a new, substantial vessel, built as well as a vessel can be built. It is our idea that she broke; something happened to her, since the vessel would have weathered the storm, notwithstanding it was the severest ever occurring on Lake Michigan.

Mr. THATCHER. That was about 20 years ago, in effect?

Mr. MORTON. Yes, sir.

I do not know; I never heard of those boats. I presume the *Chicora* and *Milwaukee* were passenger boats, because Mr. Morton, of the Graham & Morton Line, never operated any freight boats that I know of. He has always been, to my knowledge, in the combined passenger and package freight business.

Mr. DAVIS. Are there any records kept in the Department of Commerce or the Life-Saving Service, or any other department or organization, of the number of vessels lost and the number of lives lost on the Great Lakes?

Mr. NOLAN. I think there would be, Mr. Congressman. I will try to find out and get that information for you if I can. You must

understand I was never before this committee before, and I did not know what I was going to be asked.

Mr. DAVIS. I thought you might have that knowledge as to whether such records are kept by any department.

Mr. NOLAN. They are supposed to be kept. I do not know by what department, but I believe they are supposed to be kept, and I will try to find out for you.

Mr. HARDY. Mr. O'Brien wants to ask this witness one question, with your permission, Mr. Chairman.

The CHAIRMAN. Certainly.

Mr. O'BRIEN. I would like to have the witness tell how many life-saving stations there are on the chain of Lakes and how many life-saving stations there are in the vicinity of Saginaw Bay.

Mr. SCOTT. Now?

Mr. O'BRIEN. Now; yes.

Mr. NOLAN. Mr. Chairman, there are 63 life-saving stations on the Great Lakes. I would like to illustrate this, if possible, for the benefit of the committee, on this map. Here is the Great Lakes district——

Mr. CHINDBLOM. Let me suggest something right there. When your words go into the record and you say here is so and so, the record won't show where that is at all. Try and describe the location.

Mr. BRIGGS. Give the name of the place, or something like that, if you can, to show the location.

Mr. HARDY. Just say on the east end of Lake Superior.

Mr. NOLAN. On the eastern end of Lake Ontario, where the American shore line starts, some place around about here——

Mr. HARDY. Don't say "here"; name the point.

Mr. NOLAN. Oswego is on the American side. I start here from Oswego. The American shore line runs all the way around Lake Ontario down to a place here——

Mr. HARDY. Never say "here"; name a place.

Mr. BRIGGS. About halfway along the lake shore.

Mr. NOLAN. Along the southern shore of Lake Ontario, halfway over, at least; then all the southern shore of Lake Erie around up through here, up to Scotts Point; and then from Port Huron, in Saginaw Bay, around here and around there, around by Alpena, up to the Straits of Mackinaw, through the straits, down the eastern shore of Lake Michigan, the southern shore, and the western shore of Lake Michigan, the shores of Green Bay, around the northern shore of Lake Michigan; starting from the Soo, along the southern shore of Lake Superior and along the shore clean up to Duluth and partly up the north shore at least 20 or 30 miles, past two harbors, to my knowledge—I do not know how much farther than that—is the American shore. And in all that distance there are 63 life-saving stations.

Mr. BRIGGS. Can you estimate about what distance that is?

Mr. NOLAN. I can not. I just want to say, for your benefit, in this little spot which we have called the graveyard of the Lakes, Saginaw Bay, there are five.

Mr. HARDY. Five life-saving stations?

Mr. NOLAN. Yes, sir; 63 in all that territory and 5 in Saginaw Bay.

Mr. CHINDBLOM. The 5 are part of the 63, are they?

Mr. NOLAN. The 5 are part of the 63; yes, sir.

Mr. HARDY. Is that for the purpose of giving assistance to stranded vessels and vessels in distress?

Mr. NOLAN. Certainly; any vessels in distress.

Mr. SCOTT. Where are the five in Saginaw Bay?

Mr. NOLAN. I can give you the names.

Mr. EDMONDS. Are they in operation all of the year?

Mr. NOLAN. During the navigation season they are open. I can not tell you during the wintertime whether they are open or not. There is no navigation in the wintertime except on Lake Michigan between Detroit and Windsor on the Detroit River.

Mr. EDMONDS. These life-saving stations are open during the summer time—all during the summer?

Mr. NOLAN. All during the season of navigation.

Mr. CHINDBLOM. When does the season of navigation end?

Mr. NOLAN. It ends about the 5th or the 10th of December on the Lakes.

Mr. EDMONDS. I would like to know what the witness is trying to prove.

Mr. NOLAN. The statement was made here—some witness testified that Saginaw Bay was not the graveyard of the Lakes, as we call it. I want to show you there are more life-saving stations in that district than any other district on the Lakes.

Mr. GAHN. How many passenger boats navigate Saginaw Bay?

Mr. NOLAN. There are two that I know of—there are seven American boats that I know of; that is, they do not operate out of there, but they go across Saginaw Bay. There are nine boats.

Mr. GAHN. They do not go into Saginaw Bay?

Mr. NOLAN. They cross it; they do not go into it.

Mr. EDMONDS. After you prove it is the graveyard of the Lakes, what are you going to do with it?

Mr. NOLAN. The only reason I am doing that is the impression was given here that Lake Huron and Saginaw Bay is not a dangerous lake. Mr. Scott, my impression is, tried to give that impression.

Mr. EDMONDS. You are trying to prove to him that it is dangerous?

Mr. NOLAN. I am trying to prove to him that it is dangerous.

Mr. EDMONDS. Are you satisfied that it is dangerous now?

Mr. HARDY. It might have some bearing on this question if these life-saving stations are deemed necessary, as to whether the ships ought to be well manned.

Mr. SCOTT. Can you give the names of the stations?

Mr. NOLAN. Pointe aux Barques Light, right near Pointe aux Barques Light.

Mr. FURUSETH. From what are you reading?

Mr. NOLAN. I am reading from the register of the commissioned and warrant officers and cadets and ships and stations of the United States Coast Guard, January 1, 1921. Port Austin, about 2 miles southeast of Port Austin Reef Light.

Mr. BRIGGS. Has that station a number?

Mr. NOLAN. The station is numbered 249. Another station, No. 250, near Tawas Light; another station, No. 251, near Sturgeon Point Light.

Mr. SCOTT. You do not mean to say Sturgeon Point is on Saginaw Bay, do you?

Mr. NOLAN. That it is?

Mr. SCOTT. Yes.

Mr. NOLAN. I say it is; I am giving you the names.

Mr. SCOTT. Do you mean to tell this committee that Sturgeon Point is on Saginaw Bay?

Mr. NOLAN. Where is it? I do not know.

Mr. SCOTT. That is the point; I insisted you did not know. I live within 30 miles of Sturgeon Point. Sturgeon Point is at least 60 or 70 miles from Saginaw Bay.

Mr. NOLAN. Mr. Congressman, Thunder Bay—Alpena is on Saginaw Bay, is it not?

Mr. SCOTT. Not by about 100 miles: Alpena is on Thunder Bay, 12 miles from Thunder Bay Light, 12 miles from Thunder Bay station.

Mr. NOLAN. Any sailor who will tell you what Saginaw Bay is will tell you it is the body of water between Saginaw Islands Lights and Thunder Bay.

Mr. SCOTT. He will tell me it is Lake Huron, and if he does not tell me it is Lake Huron I will know he is not a sailor and does not know what he is talking about.

Mr. NOLAN. It is called Saginaw Bay, Congressman.

Mr. SCOTT. This is the first time I ever heard it called Saginaw Bay.

Mr. HARDY. You gentlemen are interesting, but the map shows all that. It is the little pocket there that ends at Alpena and begins at the other point you named?

Mr. NOLAN. Saginaw Bay starts at Thunder Bay Island and ends at Pointe aux Barques.

Mr. BRIGGS. It does not seem to me it makes any difference.

Mr. GAHN. It does not seem to me the gentleman should say it is Saginaw Bay.

Mr. SCOTT. Here is Saginaw Bay on the map [indicating]. If Saginaw Bay ran up where he says it does, they would say, "Saginaw Bay." It really is not material one way or the other, but I hate to have the committee given an absolutely false impression about the geography of Michigan.

Mr. NOLAN. Mr. Scott, to get into Thunder Bay, what would you call Saginaw Bay? I do not know what part of the bay you call Saginaw Bay. You have to come by Pointe aux Barques or else come in by Thunder Bay Island from either end you are going into.

Mr. SCOTT. You do not hit Saginaw Bay, and no one ever thinks of hitting Saginaw Bay until you pass Charity Islands on the north.

Mr. HARDY. We understand what this witness means when he says Saginaw Bay, and that is all that is necessary.

Mr. NOLAN. There is one other little point I wanted to bring out and that is this: Mr. Newman, manager of the C. & B., made a statement, from which I gathered the impression there are nine A. B.'s on his boat that have nothing to do, that they are put there by this law, extra men put there by this law, and have nothing else to do but wait for an accident or an emergency. That is not true. There is part of the law requiring a certain percentage of the able seamen on the boat. That did not increase the men on a single passenger

boat on the Lakes, to my knowledge. That boat he claims he has 12 A. B.'s working at navigating that ship that he is perfectly satisfied with, and that he has to carry nine more able seamen, those nine able seamen or "extra able seamen," as he calls them, replaced other men in the crew. They are not extra men put on. He did not have to put an extra man on, but only to put the nine able seamen in positions formerly filled by smokestack watchmen or cabin patrols or ordinary seamen. If he put them on as ordinary seamen, it would mean a little difference in money to them. An ordinary seaman's wages were \$87.50 per month last year. The able seaman's wages were \$125. That is a difference of \$37.50 per month on nine men, or about \$340 a month. Figured down it amounts to \$11 a day for the largest boat on the Lakes, a boat carrying approximately 2,200 or 2,300 passengers. It costs her, or did cost her last year, or it would cost her if she put them on as able seamen, which I presume he did, \$11 a day.

Mr. CHINDBLOM. But still, Mr. Witness, if it only costs \$11 a day, what right has the Congress of the United States, by law, to compel anybody to pay \$11 if it is useless?

Mr. NOLAN. That is right; it has no right to do that if it is useless; but it is not useless. You did not let me finish my statement. It costs him \$11 to do it, to provide greater safety for the lives of the people he carries while at sea.

Mr. HARDY. Which is 2,200.

Mr. NOLAN. Twenty-two hundred or a half cent apiece. He testified his fare was \$6. The war tax on that fare amounted to 60 cents. The total cost for providing greater safety of life at sea for those people was half a cent apiece. I do not think it is exorbitant.

Mr. SCOTT. What is a smokestack watchman?

Mr. NOLAN. The smokestack watchman on that boat is the fellow who patrols the deck around the smokestack—to be frank with you—to see that men and women who happen to be sitting up around there behave themselves.

Mr. SCOTT. I am very glad to know; I never heard of one before. I am learning a lot of things that I never knew before.

Mr. EDMONDS. I suppose he takes care of the "sparks." [Laughter.]

Mr. NOLAN. I have no further testimony. Mr. Chairman, if they are through questioning me.

Mr. GAHN. What percentage of the lives lost on the Great Lakes have been lost on Saginaw Bay as you describe it?

Mr. NOLAN. I have not those figures. I do not know where they could be obtained.

Mr. GAHN. Have you a guess?

Mr. NOLAN. Well, I have not; no. I have never given any thought to the subject.

Mr. GAHN. Have very many people lost their lives on Saginaw Bay?

Mr. NOLAN. I presume they have. I know that Lake Huron and that whole Saginaw Bay district was hardest hit by the storm of 1913, when there were 250 sailors' lives lost in one storm.

Mr. GAHN. In Saginaw Bay?

Mr. NOLAN. No; the Lake Huron district—Saginaw Bay district.

Mr. GAHN. Why is Saginaw Bay called the graveyard of the Lakes? Is it because boats go down there or lives are lost there?

Mr. NOLAN. Boats and lives, I suppose. I did not give that title to it; it had that title when I started sailing in 1905. The first trip I made on the boats I heard that title for Saginaw Bay, and I have heard it repeatedly since.

Mr. CHINDBLOM. It is only because you heard it that it has stuck in your memory?

Mr. GAHN. Your experience would not lead you to believe it was a graveyard of the Lakes, would it?

Mr. NOLAN. I will say this: In the fall of the year we always figure on getting rough weather going across that stretch from Thunder Bay Island to Pointe Aux Barques. That is, there are spots on the Lakes where the wind has not such a long swipec at you as other spots. For instance, you will notice we are only 5 or 10 miles offshore on a great many courses, but across Saginaw Bay you are out of sight of land; you are 20, 30, or 40 miles, probably, offshore on that course.

Mr. SCOTT. Where?

Mr. NOLAN. From Thunder Bay Island to Pointe Aux Barques.

Mr. SCOTT. Where are you 40 miles offshore on the regular course?

Mr. NOLAN. I do not know that you are 40 miles offshore; I say 20, 30, or 40 miles.

Mr. SCOTT. Where are you 20 miles offshore on the regular-course ships?

Mr. NOLAN. On that course?

Mr. SCOTT. Yes.

Mr. NOLAN. You get out in the middle of it and you will find you are at least 20.

Mr. SCOTT. All right; you show it on the map; show one place where you are 20 miles offshore on the regular-course ships outside in Saginaw Bay proper and then measure right into Bay City.

Mr. BRIGGS. Not too many qualifications, Congressman.

Mr. SCOTT. I am not making any qualifications.

(Mr. Nolan indicated a point on the map.)

Mr. GAHN. The greatest distance is just exactly 20 miles offshore, according to the scale on this map.

Mr. NOLAN. It is 20 or more miles, Mr. Congressman.

Mr. GAHN. No; 20 is the longest point.

Mr. NOLAN. That is the closest distance you mean, sir.

Mr. GAHN. That is the longest distance you are away from shore.

Mr. NOLAN. That is the closest distance you steer to these different points.

Mr. HARDY. I do not think it is very material whether it is 10, 15, 20, or 40 miles.

Mr. NOLAN. It is at least 20.

Mr. HARDY. Before Mr. Furuseth proceeds with his statement I would like to make a little statement myself in regard to this matter and put it in the record. There have been so many statements about this bill being a union bill that I want to state that the Members of Congress who were responsible for this bill were, in the first place, practically the whole of this Committee on the Merchant Marine and

Fisheries of the House; second, the conference committees of the two bodies, the Senate and the House.

This bill as finally enacted into law was the unanimous report of the Senate and House conferees, composed on the part of the House by Joshua Alexander, myself, M. E. Burke—who, I believe, was a Michigan man—William S. Greene, and C. F. Curry. Mr. Curry is a California man. On the part of the Senate they were Duncan U. Fletcher; George E. Chamberlain; James K. Vardaman; Knute Nelson, of Minnesota; and William Alden Smith, of Michigan. The bill was passed after years of investigation and that report was made, and I think I can say that every interest concerned, and especially the Lakes, were given a full and fair hearing as far as we could in the preparation of this bill.

I make that statement because this bill has been attacked. The man whose statement was put in, Mr. Manahan, was on the committee for one year. He was a Republican from Minnesota, elected from the State at large. He was an extremist in his views; there is no question about that. But every man who knows those other men knows, I think, that this committee did not report a bill without giving a full investigation and giving hearings to the Lake people. And the whole report of the committees shows that they were fully heard. I want to make that statement, because I want to say it was the struggle of years for the preparation of this bill. While it was being prepared one of our members, Judge Alexander, attended the International Ship Conference at London. A great many of the regulations as to the safety of life at sea—as to the vessels, the lifeboats and life rafts, and things of that kind—came from the knowledge that he acquired. He became, really, I think, the most expert member of this committee, and perhaps of both Houses of Congress, before he was appointed Secretary of Commerce.

The bill was originally presented, my recollection is, in the House by W. B. Wilson.

Mr. SCOTT. Recently Secretary of Labor?

Mr. HARDY. Later Secretary of Labor. It was taken over then and framed by Judge Alexander, myself, and Mr. Wilson. It passed the House and went to the Senate. The Senate adopted their bill and sent it over to us. We took the Senate bill and substituted for it, practically, the House bill. It went back to the Senate and the conferees agreed upon it. Ninety-five per cent of the bill as adopted was not affected by any action of Mr. La Follette.

It was the bill prepared by these gentlemen in the House and Senate whose names I have given you. But it has been stigmatized as the La Follette bill ever since by the critics of it. How much Mr. La Follette had to do with it I do not know. He defended it and helped to put it through the Senate; that is true. But this bill as it is written into the laws is the bill prepared by the House Committee on the Merchant Marine and Fisheries and the Senate Committee on Commerce, I presume, of which Mr. Nelson was the leading Republican member and Mr. Fletcher was the leading Democratic member.

I want that to go in as a part of the record, so that it can be shown this was never any joke to anybody—I do not care what the Lake men may have stigmatized it. They have been fighting it ever since, and this has now developed to be a frontal attack, it seems to me,

upon the whole seaman's bill, and therefore I think we ought to be awake to the whole situation. One gentleman suggested to me that it might be the ocean interests want a hearing. I do not know whether they do or not, but I make this statement because, in justice to Mr. Greene, myself, Judge Alexander, and everybody else, I know we tried to give a fair hearing.

Mr. SCOTT. May I be entitled to have just a moment, in view of the statement made by Judge Hardy?

My expression, which evidently provoked the statement made by the gentleman from Texas, was based somewhat on hearsay, and it was in no sense in the spirit of criticism of the action of the gentlemen whom he has named. The necessity for some affirmative legislation was apparent, and that great thought, deliberation, and care were given to the preparation of the bill has never been questioned by me, and I do not now question it. I have always understood, and I so stated very frankly to this committee—not in the spirit of criticism of the bill but in view of its inapplication in many instances to the Great Lakes—the Great Lakes operators did not seriously consider the application of the bill at the time it was heard.

That has been my information. If it is inaccurate, all well and good; but I do not want the gentlemen to draw the inference that there was any ridicule on my part or the part of anyone else directed at this legislation. Its operation has proven ludicrous, I am frank to admit, in so far as some of the provisions are concerned applying to small ships. Unfortunately, all those small things could not be foreseen, and it is not in any degree a criticism of the committee having charge of the bill at the time that they could not be foreseen.

Mr. HARDY. I want to add one thing more. This bill was seriously considered by every Lake interest at the time it was being investigated and passed. Men were here and they were given every opportunity to raise that objection, and these various sections to make it applicable to the Lakes were gone into then. But that there may be some error here and there nobody will question.

Mr. SCOTT. That is my sole point.

Mr. HARDY. I will say that when you made that remark perhaps I misunderstood it.

Mr. SCOTT. You certainly did.

Mr. GAHN. May I inquire of both the gentlemen whether, as Mr. Newman suggested, or some one, that it was said to the Great Lakes representatives that if the bill hurt them too much they should come back and they would be given consideration?

Mr. SCOTT. I was not here at that time, and I do not know whether that statement was made.

Mr. BANKHEAD. Let us get down to some testimony.

Mr. SCOTT. May I be indulged in, because the statement has been made that I have made a frontal attack on this bill, and I do not want that to go unchallenged, because I have not made a frontal attack on the bill. I have been very modest in my requests for modifications of this law, and I have only asked that it be modified in so far as it will allow my people to enjoy the natural facilities that are given to them.

Before the next witness proceeds I wish to say this to the committee: That if my bill does not specifically now relate to the Great Lakes

navigation, I shall ask this committee to so amend it that it will only apply to the Great Lakes, because that was its sole purpose, as I stated here at the inception, and I intend to adhere to it.

Mr. GAHN. May we have Mr. Hardy's answer to my inquiry? I want to see whether the Lakes are estopped—

Mr. HARDY. Certainly no interest is estopped on coming to this committee for a correction of the legislation if the legislation was in error. Whether I said it or not, I say it now.

The CHAIRMAN. Now, gentlemen, please let Mr. Furuseth proceed with his statement without interruption, making such notes as you desire and then question him afterwards. We desire to get through, if possible, to-day.

STATEMENT OF MR. ANDREW FURUSETH, PRESIDENT OF THE INTERNATIONAL SEAMEN'S UNION OF AMERICA.

Mr. FURUSETH. Before saying anything, Mr. Chairman, about this bill, I beg permission to clear up one thing with reference to myself. The other day you asked me a question, based upon the report of the newspapers from Boston. I want to give a clear, short statement for the record and for the purpose of possibly clearing the mind of this committee as to what kind of an animal I am.

One of the distinguished lawyers involved in the Duplex case and I had a debate on the open shop in New York, with some 3,000 people present. I prepared with great care what I had to say in the half hour, in response to that lawyer. Here is the statement, absolutely word for word. At that time I read it. Somebody was present there, and they asked me to come and speak to the students at Harvard College. They had a convention of students there. At great inconvenience and at some expense I went there from Washington, and I repeated substantially word for word what I had said in New York. Somebody heard me talk there, and there was a strike on in Boston of some thousands of people, and they asked me to address an open meeting on the question of the open shop. I went there for that purpose and spoke in the hall in question. Here is the statement I made, which has been published broadcast all over the country by somebody else, not by me. I went there and spoke substantially from memory. I have repeated it so often that I did not have the manuscript before me, but substantially I repeated just exactly what I had said before in the two other places.

In this statement there is a reference to the use of injunction in labor disputes, how they are obtained, and how they have been used through the ages, and how they are used now in some instances. Somebody in the audience asked me, "What would you do if such an injunction was issued against you?" after I described a certain kind to be found here. I said, "I would disobey that kind of an injunction. I do not believe that a court that would issue that kind of an injunction would be entitled to any more respect than the king who issues a decree regardless of the interests and the freedom of the subjects or the citizens of the country in question."

Now, those are the facts exactly, gentlemen. I will conclude this by simply saying that I have been stigmatized in the labor movement, if you like, as the most absolute antisocialist and antianarchist to be found in it in America. As to being a bolshevist, I have over

and over again said that bolshevism is insanity and can not last because it denies human freedom and runs into teeth of the whole entire history of the Nordic race, or what we call the white race, sometimes called the white race, and sometimes the Nordic. These are the facts. Whatever they may be for me or against me, I will have to take the consequences, but I beg of you gentlemen, if you have anything against me, do not visit it upon the merchant marine of this country or upon the poor devils who are now working in it.

Now, then, I had a note here to explain the seamen's bill and how it came about to be drafted and what stages it went through before it was finally passed, but Congressman Hardy has done it.

Mr. HARDY. I wish you would do that, because I want it in the record, and I did not give it very fully.

Mr. FURUSETH. There are seamen on the Pacific and sailors on the Pacific, and when I speak of seamen I mean everybody on board a ship, and when I speak of sailors I mean men in the deck department of the ship, the men who handle the ship and handle the boats, and when I speak of firemen I mean the men who work in the firerooms and the engine room of the ship, exclusive of licensed officers.

In 1885 we organized on the Pacific. I was away at the time, at sea. I joined the union as soon as I came into port. Two years later I was made its secretary. I have found that in 1872 the shipping commissioners' act was passed. The shipping commissioners' act denied to the seamen the benefit of the thirteenth amendment to the Constitution of the United States and relegated him to the position occupied exactly by the Negroes in the South prior to the emancipation proclamation. But this shipping commissioners' act provided that every seaman signed in an American vessel going from any State, except to an adjoining State, must sign shipping articles before a shipping commissioner.

In 1874 the Congress passed a law, as near as I can remember the words, providing that none of the provisions of this act, the shipping commissioners' act, shall apply to the coastwise trade, so that that cut the Lakes completely out of it; it cut the coastwise trade and the protected trade out of it, the one that foreigners can not operate vessels in, but it took the seamen completely out of the shipping commissioners' offices in those trades. It provided, however, that they should sign articles, no matter in what trade they were—that is the old maritime law—and that if they did not sign articles at all before they got on board the ship they could leave the ship at any time and would be entitled to the highest wages paid in that particular trade.

Now, we found out that the imprisonment law, which gave the right to put a man three months in jail for quitting a vessel—and I am frank to say that I was the man who found it; I hunted the law—we found that in the coastwise trade we could not be put three months in prison for violating our contract to labor, and we made use of that to assist us in organizing and getting some better conditions for ourselves. We worked then anywhere from 10 to 18 hours a day. There were no regulations as to hours, no regulations as to wages, except such as we ourselves could enforce, which was all based upon the old traditions of the sea.

In 1890 the shipowners on the Pacific coast came to Congress and asked that they be permitted to imprison the men who quit their vessels in violation of their contracts.

Congress gave them that right in a qualified way, so that it read "whenever the ship, in the shipping commissioners' view"—the old commissioners' law shall apply. That is to say, whenever the shipowner establishes to the satisfaction of the commissioners that they have violated their contract, then they shall be subject to 3 months' imprisonment or 12 months' imprisonment, which was then the penalty. The shipowners immediately sent us all through the shipping commissioners' office so as to apply the law. As the result there was a struggle, a bitter struggle, lasting eight months. Thirteen men a day died during it. I know of men getting out of the vessels and hiding in the redwoods of Mendocino County, and they were pursued by bloodhounds, to be taken back. I have seen with my own eyes men shackled together, the left hand to the right, a whole string, going up the streets of San Francisco time and time again, to go up to court to be sent off to sea against their will.

I came here in 1894, sent by the men to try to get rid of some of those terrible things. We had at that time on the Pacific coast perhaps the best sailors that the world has ever seen. There was hardly a man that was not able to be a boatswain on any vessel afloat. Thousands of them left. There were some 4,000 men afloat, and actually 3,000 men left. I saw them tearing up their citizenship papers, like that [indicating], strip after strip, and throw them away, like that. They permitted one man to be sent here, and they selected me to come.

This struggle, gentlemen, has gone on from that time until this. It began in the month of March, 1895.

Now, in 1893 a committee of sailors was elected by our organization, and they served for two weeks, going over the law, section by section, and suggesting amendments to the law where it was most harsh and unreasonable. That was sent to Senator Frye. He sent it to the Commissioner of Navigation.

Mr. BANKHEAD. Senator Frye, of Maine?

Mr. FURUSETH. Senator Frye, of Maine. He sent it to the Commissioner of Navigation, which is the graveyard for any legislation that the seamen have ever sought or for the execution of any law that has ever been passed in the interest of the seamen, and it slept there.

In 1894 a bill was introduced, the same identical thing was introduced by Congressman Maguire, of California. Hearings lasted for about a month in the Committee on Merchant Marine and Fisheries, which did not have anything to do with the Lakes at the time, because there was no imprisonment on the Lakes, and the bill as drawn had nothing to do with it.

Then, finally, in 1895, in the month of January, Mr. Dingley, a man, took hold of the matter and amended, together with Senator Frye, the law which was later known as the Maguire Act. It took the coastwise seamen, and the lake seamen out of the lake imprisonment proposition again.

In 1898 a bill was passed dealing with the coastwise trade, abolishing some of the other hardships, and fixing up a scale of provisions. We eat, sleep, and work on the law, by law, and through law whenever we can get the benefit of it; that is, whenever it is in our favor, which is not very often, we get it. A bill was passed dealing with the

coastwise trade and abolishing the imprisonment in any American harbor, improving the scale of provisions, as I said, and doing several other things, which it would take up too much of your time to go into, and we lived under that until 1915, on the 4th of March, when this bill which applied to the coastwise trade was made to apply to the merchant marine of the United States entirely.

But pending that, during all these years, there were constantly hearing in one Congress, another Congress, a third Congress, a fourth Congress, a fifth Congress, a sixth Congress, and a seventh Congress [indicating printed hearings], and in the meantime we took the question of the application of the thirteenth amendment to seamen before the Supreme Court of the United States. The Supreme Court is made up of able men, as you gentlemen know. In the case of *Robertson v. Baldwin* seven of the justices held that the thirteenth amendment had no application to seamen and held the law under which we were imprisoned valid. One justice wrote a separate dissenting opinion. We published the dissenting opinion and distributed it among the Members of Congress and Senators, or anybody that wanted to get it and was willing to take it and read it, and that resulted in the passage of the law in 1898.

The thing that really finally brought about the passage of the law in 1915 was the great disaster to the *Titanic*. Shortly after that—

Mr. BRIGGS. After what?

Mr. FURUSETH. After the *Titanic* disaster an international conference was held in London for the purpose of fixing up life-saving appliances for ships and crews so as to avoid these terrible disasters in the future. America sent 11 delegates there, and how it happened I do not know, but I was sent as one of them. I had not been there for five days before I knew from the delegations of three European countries that they were going to use that to prevent the seamen's act being passed in the United States and prevent the United States from getting upon the ocean and becoming a competitor upon the ocean. I was on the committee on life-saving appliances. I worked until that committee was finished. Mr. Alexander was there, but he was not on that committee. Mr. Alexander took the decision of that Congress and put it in section 14 of the seamen's act, and then qualified it so as to meet the most serious objections that the lake people had with reference to the Lakes. It was milked until it was almost dry. The hearings in the House committee lasted for two months; that is, the three hearings altogether lasted fully two months. The hearings in the Senate committee ran for a month and a half steady, and they were there all the time, and here in this book are their propositions. They have not said a thing here that was not said before, not a word. They have not made a proposition now that was not made before, not a single one. If I had the time I could go through that and show it, because there was not anybody coming here talking about any sand boats. The only boat of any kind on the Lakes or at sea that was not mentioned was the sand boat.

So much for how this bill finally became a law. All the rest has been stated by Mr. Hardy. When it finally passed the House it was unanimous; when it finally passed the Senate, upon reconsideration, it had a very big majority. When it first passed it was unanimous, and then Senator Smith of Georgia came up, because he was down eating, get-

ting some food, and he raised some objections and made a motion to reconsider, and the motion to reconsider was granted, and they argued it then for an hour and a half afterwards and then voted, and a two-thirds majority of the Senators was in favor of it.

Then comes another phase of this thing. It passed in 1913, in the last hours of that Congress. President Taft mercifully vetoed it, because it contained a clause actually in opposition to international law. It undertook to inform vessels how many men they should have to steer and look out and how they should be organized out on the ocean, when the United States, of course, has no jurisdiction. This was called to Mr. Taft's attention, and he let the bill die with a pocket veto. I was glad, and I will tell you why, gentlemen, and some of you ship-owners know it, too, that the bill that was pocket vetoed would put you out of business, because it provided three watches for the wheelmen, watchmen, and firemen, oiler, and water tenders—three watches.

In other words, you would have three wheelmen, you would have to have three watchmen, you would have to have six or nine firemen, oilers, and water tenders. I called attention to that when the conference was held between Mr. Alexander and a couple of men in the Senate—and I do not know who were with Mr. Alexander from the House—and finally the Senators said, "What do you want to do with it?" I said, "We can not do anything with it. I know that these men with the small vessels are going to come here on their knees begging for relief, but I can not do anything with it now."

The bill was put through with the idea that it would be changed, and, as I told you, on account of international relationships, the President pocket vetoed it.

Now, when it was introduced in the next Congress the same thing happened all over again, with hearings again in the House committee and in the Senate committee, and finally the bill came out as it is.

So much for this bill on those lines. No; there is a little more that I think I ought to add. One of the things that were said about this bill was that it would permit an American to see that the conditions were such as to make it impossible to get an American to sea; the conditions and the life and the law were such that no intelligent American would go to sea and remain at sea when he found out the conditions, unless, perchance, he had a chance to be an officer very quickly, and that was found to be so. And what was more, the shipowners said that, as far as getting Americans was concerned, that it was preposterous, and said, "We can never get them. The Americans will not go to sea, no matter how you fix the law," and they said they did not need any training for the men. Well, we pointed to the law in foreign countries. They said, "Well, the American is so intelligent that he does not need any training."

Then we got some Congressmen to ask the men who gave the testimony, who it was that takes the soundings with a hand lead on board American ships, and they said the officers, something that happens in no other place in the world. Taking soundings with a hand lead is like this: You stand in what is called the chins, that is inside of the vessel, and you have got a hand lead weighing from 28 to 30 pounds. You have got a coil and line in one hand, and you have a half turn around your trunk, and you stand like this and let go.

It flies on forward all the way as far as you can throw it. Then you wait, and she comes up, and you get exactly the depth of the water, and you call it out, "By the quarter four," or "By the mark five," or whatever you are telling the depth of the water is. They said they did not have a single sailor that could do that; that an officer had to do it. Well, I do not know that they said that they did not have anybody who could do it, because they said that they had some sailors who were educated seamen in Europe, and they could do it.

Now, less than 7 per cent sailing before the mast as sailors or firemen are manning the ships on the Lakes, coast, and ocean. That was unanimously agreed to by everybody.

Mr. FREE. You mean 7 per cent Americans?

Mr. FURUETH. Seven per cent native Americans, at the most. It was generally understood that it was less. We said, "If you will change this law so that the American may go to sea and keep his self-respect, he will go to sea, because he is of the same blood as the Englishman, the Scandinavian, or the north German. He is of pure Nordic stock, and they have always gone to sea as long as they had a chance, either as seamen, discoverers, or pirates, or in some other way."

Now, when a man comes to join our organization we say, "What nationality are you? Where was you born?" We say to him "Now, we do not want that for our sake; we want it for your sake. Have you got any relatives that you want us to notify in case you are lost, so that they can get whatever might be left after you in the shape of wages on the ship that you are serving on." They say, "Yes; I was born in England," "I was born in Germany," "I was born in Switzerland," "I was born in Spain," "I was born in Norway," "I was born in Sweden," "I was born in the United States," and so on, or "I was born in South America." We have them from every country outside of China and Malay Peninsula, India, or Japan. Those we do not take into the union because they can not become citizens of the United States—that is, we do not take them in yet.

Now, we went over these cards one by one to find out the nationality of the men that were then in the union. We found that on July 15, 1917, out of 42,407 men, representing all the different countries, the United States then had 12,219 native borns at sea. We went through the same performance on September 1, 1919, and we made the same computation and found that out of 80,067, 39,347 were native-born Americans. On the 1st of December, 1920, out of 156,002 men, 79,565 were native-born Americans. So far as we can reach it, there is about 10 per cent of the total who are citizens of the United States.

Mr. HARDY. You mean naturalized citizens?

Mr. FURUETH. Naturalized citizens. So that out of that number, out of the men employed at that time, coming and going, about 61 per cent were citizens of the United States. I would like to submit this table, which shows all the different countries, where they came from, etc., so far as it is possible to get it shown.

(The table referred to is as follows:)

Nationality of members of International Seamen's Union of America, Dec. 15, 1920, as compared with Sept. 1, 1919, and July 15, 1917.

(Table compiled by U. S. Shipping Board on basis of information furnished by the International Seamen's Union.)

DECEMBER 1, 1920.

[The Pacific: About 90 per cent organized; sailors practically all A. B.'s. The Great Lakes: About 50 per cent organized; sailors are in the majority A. B.'s, a minority ordinary seamen. The Atlantic: Practically 90 per cent organized.]

Nationality.	All districts.		Atlantic and Gulf coasts.			Great Lakes.			Pacific coast.		
	Number.	Per cent. ¹	Sailors.	Firemen.	Cooks.	Sailors.	Firemen.	Cooks.	Sailors.	Firemen.	Cooks.
Argentina.....	323	.....	5	298	.....	2	.....	2	7	7	2
Austria.....	917	.....	114	320	187	91	60	34	45	26	40
Belgium.....	1, 197	.....	376	405	336	8	13	1	19	29	10
Britain ²	19, 083	.....	3, 520	4, 650	5, 934	1, 141	839	473	1, 415	494	617
Bulgaria.....	16	.....	6	.....	.....	.....	5	3	.....	2	.....
Chile.....	837	.....	6	692	.....	.....	.....	.....	50	49	40
Cuba.....	275	.....	.....	218	56	.....	.....	1	.....	.....	.....
Denmark.....	4, 937	.....	2, 246	1, 296	461	139	29	17	580	74	95
Finland.....	3, 574	.....	1, 874	538	.....	151	64	12	925	.....	10
France.....	476	.....	.....	113	250	11	7	15	45	10	25
Germany.....	2, 767	.....	542	478	421	179	130	59	605	103	250
Greece.....	3, 045	.....	76	2, 182	345	21	75	12	140	182	12
Holland.....	2, 776	.....	1, 154	541	757	45	21	4	164	38	52
Italy.....	1, 818	.....	463	645	411	159	18	24	50	18	30
Mexico.....	935	.....	.....	468	139	.....	.....	.....	180	78	70
Norway.....	8, 810	.....	2, 427	2, 865	591	696	152	53	1, 675	182	169
Philippine Islands.....	716	.....	.....	699	.....	.....	.....	.....	14	3	.....
Poland.....	107	.....	.....	.....	.....	.....	71	29	7	.....	.....
Portugal.....	2, 372	.....	536	1, 269	476	.....	.....	.....	17	12	62
Rumania.....	57	.....	.....	47	.....	.....	4	4	.....	2	.....
Russia.....	3, 683	.....	1, 643	532	471	292	105	34	435	161	10
South and Central America. (Not specified).....	1, 103	.....	.....	195	100	.....	.....	.....	.....	52	.....
Spain.....	7, 251	.....	342	4, 890	1, 585	15	31	2	32	275	79
Sweden.....	8, 300	.....	2, 464	3, 249	336	431	201	38	1, 348	181	60
Switzerland.....	292	.....	.....	68	132	9	17	13	15	8	30
Turkey.....	295	.....	.....	197	38	2	3	1	13	38	3
United States.....	79, 565	.....	20, 963	23, 695	14, 801	4, 914	3, 191	3, 718	2, 335	4, 146	1, 802
Others ³	475	.....	2	416	.....	22	8	27	.....	.....	.....
Total.....	156, 002	.....	38, 954	50, 871	28, 483	8, 328	5, 044	4, 576	10, 108	6, 170	3, 468

¹ United States, 51 per cent. All other countries, 49 per cent.² Includes: All British possessions.³ Includes: Servia, Hawaiian Islands, Lithuania, Hungary, Bohemia, Syria, Jugo-Slavia, Porto Rico, Asia, Iceland.

NOTE.—Total active membership is about 104,000. An active member is one paid up within six months. The total as given arises from the great turnover, especially on the Lakes and among the firemen on the Atlantic. (By Andrew Furuseth.)

Nationality of members of International Seamen's Union of America, Dec. 15, 1920, as compared with Sept. 1, 1919, and July 15, 1917—Continued.

SEPTEMBER 1, 1919.

Country of birth.	All districts.		Atlantic and Gulf coasts.			Great Lakes.			Pacific coast.		
	Number.	Per cent.	Sailors.	Firemen.	Cooks and stewards.	Sailors.	Firemen.	Cooks and stewards.	Sailors.	Firemen.	Cooks and stewards.
All countries.....	89,167	100.0	19,068	25,286	11,594	7,104	6,938	3,702	8,781	3,570	3,124
United States.....	39,347	44.1	8,463	10,123	4,857	3,888	4,079	2,910	1,609	2,192	1,226
Scandinavia.....	16,078	18.0	5,614	3,489	559	1,315	706	111	3,625	367	292
British Empire.....	10,990	12.3	1,070	2,503	2,674	934	1,052	448	1,266	328	715
Mediterranean countries....	9,700	10.9	1,223	5,962	1,337	164	310	47	160	303	194
Eastern and southeastern Europe.....	5,072	5.7	1,610	888	135	443	424	86	1,330	125	31
Central and southwestern Europe.....	4,937	5.5	969	915	1,040	357	367	95	669	151	374
Latin America (including Dutch West Indies).....	2,465	2.9	119	907	992	3	.....	3	122	101	218
Philippines and Hawaii.....	576	.6	.....	499	.....	.....	.....	.....	.....	3	74
All others.....	2	.....	.....	.....	.....	.....	.....	2	.....	.....	.....

JULY 15, 1917.

All countries.....	42,407	100.0	7,956	6,567	5,629	4,239	4,416	1,073	6,669	3,011	2,847
United States.....	12,219	28.8	1,327	1,250	1,910	1,910	2,234	799	529	1,350	910
Scandinavia.....	10,854	25.6	3,413	1,739	230	1,006	457	70	3,102	550	287
British Empire.....	6,866	16.2	530	709	2,152	614	926	135	651	352	797
Mediterranean countries....	3,061	7.3	374	1,441	465	56	134	6	83	311	191
Eastern and southeastern Europe.....	3,423	8.1	1,144	378	47	260	206	16	1,225	108	39
Central and northwestern Europe.....	5,582	13.2	1,163	1,002	748	361	454	46	1,038	321	459
Latin America (including Dutch West Indies).....	258	.6	5	48	54	.....	1	.....	41	19	90
All others.....	144	.3	.....	.....	23	42	4	1	.....	.....	74

When the seamen's act was passed, when it was under consideration, I mean, every country in Europe, so far as I know, but certainly Holland, Spain, France, England, Germany and Norway, and those are the maritime countries of Europe, made representations, through their diplomatic representatives, to the United States Government against the adoption of the legislation. Their protests were forwarded by the State Department to the Committee on Commerce of the Senate, and the Committee on Commerce of the Senate had those protests before them, and when the bill was finally passed the diplomatic gallery was full of the representatives of foreign nations.

Then the attack was on the President. He held the bill in his hands for two or three days. He signed it, but nobody knew whether it had been signed or not until about 9 o'clock in the morning, when he came to the Capitol and said to Senator La Follette, "I have signed the bill, but I would like to make an announcement myself."

Mr. HARDY. That foreign opposition was on account of the abolishment of imprisonment for desertion, and also on account of certain provisions of that bill applicable to foreign vessels in our ports?

Mr. FURUETH. Exactly. You see, I have not gone into the purpose of the law yet, the real purpose of this law, the thing that carried it through Congress and the Senate, but I shall try now to do that.

This law, has, first of all, for a purpose, to create a condition under which it will be possible for the American Nation to share in the sea power of the world, to build up a merchant marine and train the personnel for that merchant marine that can be transferred to the Navy whenever it is needed. That is the prime purpose of the bill. Now, in order to do that, in order to be on the ocean at all, you must compete, because ocean commerce is highly competitive. They had the best of us as to wages in the foreign way. The wages of seamen depend upon the port at which the men are signed. The wages of the port depend again upon the hinterland or the country tributary to that seaport. So that we find Australia has wages about equal to the Pacific, and New York has wages from 20 to 30 per cent lower than the Pacific used to have them.

Mr. CHINDBLOM. When was that?

Mr. FURUSETH. That ran steadily from 1805 to 1916.

Mr. BANKHEAD. You mean 1905, or 1805?

Mr. FURUSETH. 1805; and there was no change in the wages either in those years. A seaman had \$18 a month in 1805, and he had \$18 a month, going off into deep water from New York, in 1913 and 1914. Why had everybody else's wages been doubled, trebbled, quadrupled and quintupled, and the seamen's wages stood still?

The secret of that is that everybody else had become free to leave one employer and go to another. He might go to a worse one, but it had the tendency to lift, and by and by the men got better wages still through organization. The seamen were held in the shackles of their own status and could not do anything to assist themselves at all, and so consequently the American quit the sea completely. The Norwegian was quitting the sea, and he has quit it now. The Englishman had quit the sea to such an extent in 1915 that more than 100,000 Asiatics were serving in the merchant marine of Great Britain. If they had not gotten into the war with Germany and had gone on in that way for another 10 or 20 years, anyone could have kicked his foot through the English merchant marine and the English sea power, because it depends upon men. The United States merchant marine could not pay the wages that would keep the American at sea, even if he got to be a free man, even if you swept away all the terrible things.

Mr. MILLS. Mr. Chairman, I do not want to interrupt Mr. Furu-
seth, but it does seem to me that if we are going to take up the entire
seamen's bill, with all these foreign ramifications affecting our sea-
going vessels, we will wander very far afield from the problem affect-
ing the Great Lakes and open up the whole controversy.

The CHAIRMAN. Yes; the bill we have under consideration you are
going into pretty well.

Mr. FURUSETH. I do not know how much time I have taken up.

The CHAIRMAN. But we are only considering the law as it affects
the vessels on the Lakes.

Mr. FURUSETH. As far as the bill itself is concerned, it goes much
farther than the Lakes; it covers the coast.

Mr. MILLS. If that is so, we have not begun these hearings.

Mr. FURUSETH. It covers the coast.

Mr. SCOTT. Did you hear my opening statement, Mr. Furu-
seth?

Mr. FURUSETH. I heard it; yes.

Mr. SCOTT. I intend to ask the committee if it does not——

Mr. FURUETH. That is very well. I have had many a drink of water when I was thirsty put to my lips, and somebody gives it that [indicating].

Mr. SCOTT. Well, I do not want you to take my word for it——

The CHAIRMAN. If we are going to consider this bill, let us consider it.

Mr. FURUETH. Now, I will get to the Lake question, because it connects up in a peculiar way. However, let me give you just one thing——

Mr. BANKHEAD. If this bill contains an amendment to the law affecting salt-water shipping, Mr. Scott has said that that was not his purpose in introducing his bill, and I think it would be very valuable to the committee and to Mr. Scott, in carrying out his suggestion, if you would give very briefly what features of the general law are affected by this bill.

Mr. HARDY. Not only that, but the proponents of the bill discussed the present law's effect on union labor, strikes, and everything of that sort, and I thought the discussion took a pretty wide scope.

Mr. FREE. Being a new member of the committee, if it does not take too much time, I would like to get the recital he is giving, because it is an education to me.

Mr. HARDY. I do not think it would take him long to get through with the line he is talking about and then get down to its application to the lake vessels.

Mr. MILLS. It will take an everlastingly long time if we examine him at all on some of the statements made here—on these tables and on the whole question affecting foreign Governments—because if we are going into that question I should hesitate to leave some of the statements unexplained in this record.

Mr. HARDY. The other side has presented a whole lot of this thing.

Mr. BRIGGS. Before you go on with the documents you have got there, I think the committee would like to understand just the scope of this bill.

Mr. FURUETH. Well, I will get it very shortly.

Mr. BRIGGS. That is what we are considering—the bill itself.

Mr. FURUETH. Section 2 of the bill amends section 2 of the seamen's act, so called. That is the official name of it. Incidentally, I would like to put a word in the record there. I could not say it the other day because I was not permitted to do so, yet Mr. Scott said something there about Senator La Follette, which is in the record; and I want to say that if I had been in any other place I would have protested at once. I, at least, never speak ill of those who are not present to defend themselves.

Section 2 of the bill establishes in every vessel under the American flag a two-watch system for sailors, oilers, and water tenders. No matter where the vessel runs, no matter whether she may be running to the Cape of Good Hope, Calcutta, Australia, China, the Black Sea, or anywhere else in the world, from the United States, there is nothing but two watches for oilers, water tenders, and sailors. If she runs 16 hours or less, then it is two watches for everybody, firemen included. If she runs 16 hours or more, then the firemen are permitted to keep three watches. They are the only ones who are per-

mitted to keep the three watches. If she runs 16 hours or less, nobody is permitted to keep three watches. Everybody is put back upon a 12-hour day and an 84-hour week—everybody. And that is done while in Europe they are now making arrangements to put the firemen on a 48-hour week and the sailors on a 56-hour week. Here is a record of that.

Mr. BANKHEAD. What record is that you are referring to?

Mr. FURUETH. This is the record of the meeting of the different nations of the League of Nations at Genoa on the 15th of June of last year. They were instructed to hold that meeting by a previous meeting in 1919, here in Washington, where we had agreed that 48 hours' work should be made applicable to seamen as well as any other people. They realized that they could not make it applicable simply by resolution, and so they arranged for a special meeting at Genoa, one man representing the shipowners, one man representing the personnel on board ships, and two men representing the Government, as such, four from each nation, having permission to carry with them three advisors each.

Mr. BANKHEAD. What nations were represented in that conference?

Mr. FURUETH. Every maritime or nonmaritime nation in the world, practically.

Mr. BANKHEAD. Were we represented?

Mr. FURUETH. No; outside of the United States.

Mr. BANKHEAD. Is that document available to the members of the committee? Who publishes it?

Mr. FURUETH. The conference itself.

Mr. BANKHEAD. Is that in the Public Library?

Mr. FURUETH. No; I got it sent to me. I do not know but what it might be got here, but I got it sent to me from the secretary of the labor office, because I was present there trying to guard and take care of the interests of the United States.

Now, in the arrangements they have draft conventions, and when they have draft conventions it is obligatory upon the different nations signing it to abide by it, and it takes a two-thirds vote of these representatives, 4 from each nation, 2 representing the Government as such, 1 representing the shipowners, and 1 the personnel; that is, when two-thirds agree to vote on it, then it becomes a draft convention and it becomes the duty of the different nations to sign it, and they came within less than one vote to get a two-thirds vote for a draft convention to make it eight hours for everybody on board a ship wherever she was.

Mr. MILLS. How did the British representatives vote?

Mr. FURUETH. They voted aye, some of them, and some of them voted no.

Mr. CHINDBLOM. What do you mean by one vote? Was that the vote of one nation or one individual?

Mr. FURUETH. No; one individual person.

Mr. HARDY. How many representatives did Great Britain have there?

Mr. FURUETH. Four. She had four from England, Ireland, Scotland, Wales; four from Canada, and four from Australia.

Mr. BANKHEAD. Did New Zealand have any?

Mr. FURUETH. I do not know. I would have to look that up. I think New Zealand and Australia came together; I am not sure.

Mr. CHINDBLOM. India?

Mr. FURUETH. India; yes.

Mr. DAVIS. And British South Africa?

Mr. FURUETH. British South Africa; yes.

Mr. BANKHEAD. How did the majority of the British representatives vote?

Mr. FURUETH. In favor of the draft convention.

Mr. CHINDBLOM. If we had been there, we would have had four votes?

Mr. FURUETH. Yes.

Mr. EDMONDS. Did the representatives of the owners vote for it?

Mr. FURUETH. Some of the representatives from some of the companies voted for it, and some of the representatives of the owners from some companies voted against it.

Mr. EDMONDS. How about the English representatives?

Mr. FURUETH. The representatives of the English shipowners voted no. I think one of the representatives of the owners from Canada voted yes; I can not tell you that, because I left the record; but that is easy to be found. The record is easy to be got through these books here.

Now, I want to call your attention in connection with the Lakes to the fact that Canada is a member of that international conference, and that convention in Genoa adopted a draft convention under which Canada is to employ her people on inland waters only 8 hours in 24.

Mr. CHINDBLOM. That was not adopted, was it?

Mr. FURUETH. It was; on inland waters it was adopted. It was on the ocean that it was not adopted. On inland waters it was adopted and was unanimous.

Mr. EDMONDS. I suppose the representatives from all of the non-maritime nations were enthusiastic in favor of a 48-hour week, were they not?

Mr. FURUETH. I do not know; I should say not. I should say, as a general proposition, that the shipowners voted no; that those representing the personnel voted yes; and those representing the nations, as such, mixed their votes up, split in one way or another. The shipowner, of course, is not anxious to give his employees 8 hours instead of 12, a 48-hour week or a 56-hour instead of 84. That goes without saying. There are shipowners that are good men, mighty good men, and a good many of them are good men, and they would like to do the best they could for the men they employ, but they have got to trot in the same trot that other shipowners keep, and when they speak as a body, or are represented as a body, of course, the minority, who would do much better if they could, are not permitted to do it. The shipowner is just like any other human being. If you would strip him and me we would look alike.

Mr. BANKHEAD. I would like to hear about that wage feature, because that is going to be a very important question before Congress when this maritime legislation is considered.

Mr. FURUETH. Here you have got in this book the record of what they actually did in Genoa and Brussels in 1920, and here you

have got a piece of a draft convention that I would like to read to you because of its bearing upon the Lakes. [Reading:]

In view of the declaration in the treaties of peace that all industrial communities should endeavor to adopt, so far as their special circumstances will permit, an 8-hour day or a 48-hour week as a standard to be aimed at where it has not already been attained, the International Labor Conference recommends: That each member of the International Labor Organization—

that is, each nation mentioned here; they adopted this tentative draft convention, in which they specifically said that on inland waters—and these gentlemen are talking about inland waters—they are not to employ their men more than 48 hours a week.

Mr. SCOTT. Read it out of the book. I would like to have it.

Mr. CHINDBLOM. Can you read that section?

Mr. FURUSETH. Of course; I can read all you want me to read, if you will give me time.

Mr. CHINDBLOM. Read that section for the record.

Mr. FURUSETH (reading):

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Genoa by the governing body of the International Labor Office on the 15th day of June, 1920, and

Having decided upon the adoption of certain proposals with regard to the "Application to seamen of the convention drafted at Washington last November, limiting the hours of work in all industrial undertakings, including transport by sea and, under conditions to be determined, transport by inland waterways, to 8 hours in the day and 48 in the week. Consequential effects as regards manning and the regulations relating to accommodations and health on board ship," which is the first item the agenda for the Genoa meeting of the conference; and

Having determined these proposals shall take the form of a recommendation, adopts the following recommendation, to be submitted to the members of the International Labor Organization for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the labor part of the treaty of Versailles of June 28, 1919, of the treaty of St. Germain of September 10, 1919, of the treaty of Neuilly of November 27, 1919, and of the treaty of the Grand Trianon of June 4, 1920:

In view of the declaration in the treaties of peace that all industrial communities should endeavor to adopt, so far as their special circumstances will permit, "an 8-hour day or a 48-hour week is a standard to be aimed at where it has not already been attained," the International Labor Conference recommends:

"I. That each member of the International Labor Organization should, if it has not already done so, enact legislation limiting in the direction of the above declaration in the treaties of peace the hours of work of workers employed in inland navigation, with such special provisions as may be necessary to meet the climatic and industrial conditions peculiar to inland navigation in each country, and after consultation with the organizations of employers and the organizations of workers concerned.

"II. That those members of the International Labor Organization whose territories are riparian to waterways which are used in common by their boats should enter into agreements for limiting in the direction of the aforesaid declaration the hours of work of persons employed in inland navigation on such waterways, after consultation with the organizations of employers and the organizations of workers concerned.

"III. That such national legislation and such agreements between riparian countries" * * *

Do you want the rest of it?

Mr. HARDY. We want the definite part that fixed the hours.

Mr. FURUSETH. They mention eight hours twice.

Mr. SCOTT. You are reading now from a resolution that was presented to the International Labor Conference at Genoa?

Mr. FURUSETH. From a resolution that was adopted.

Mr. SCOTT. At that labor conference was America represented?

Mr. FURUSETH. No, sir; America was not represented.

Mr. SCOTT. Who were at that conference?

Mr. FURUSETH. I was there, as I am here.

Mr. SCOTT. But you are reading from a report of the labor conference, are you?

Mr. FURUSETH. I am reading from an international conference called by all the nations of the world outside of the United States.

Mr. MILLS. I think I can make it clear, although I again wish to point out, Mr. Chairman, that we are wandering very far afield, that the League of Nations as adopted at Versailles provided for an international labor conference to be held at stated intervals, with a given number of delegates from each country representing labor and the employers.

Now, the first conference was held in Washington a year and a half ago, and the second conference was held in Genoa. When Mr. Furuseth said that the decision of the conference would be binding on the United States, if adopted by the conference, I think he made a mistake.

Mr. FURUSETH. I did not say it would be binding.

Mr. MILLS. My recollection is that the recommendations of the conference would not be binding, but they would have to be confirmed by the respective Governments of each country.

Mr. HARDY. There is no question about that.

Mr. MILLS. In his original statement he said that a two-thirds vote would have established the eight-hour day without the approval of the nations participating in the conference.

Mr. FURUSETH. No, no, no.

Mr. MILLS. It ought to be entirely clear that this would be simply a recommendation which would be binding on the nations attending the conference.

Mr. FURUSETH. May I permitted to explain?

Mr. MILLS. Just let me complete my statement, as long as we have gotten into this question. I note that in Genoa—and I think it is rather significant—that with the exception of one of the labor representatives, Mr. Wilson, the representative of Great Britain, Sir Montague Barlow, Mr. Hipwood, and Sir Alfred Booth voted in the negative. I call the committee's attention also the fact that the representatives of Japan, Mr. Uchida, Mr. Hori, and the entire delegation voted in the negative on the eight-hour day proposition.

Mr. FURUSETH. No; one moment, please. Was that on the question of inland navigation or on the question of ocean navigation?

Mr. MILLS. I take it that is ocean navigation.

Mr. FURUSETH. I said that was not adopted.

Mr. MILLS. No; but the great shipping nations of the world, our two chief competitors, voted practically unanimously against this proposition.

Mr. FURUSETH. I want to say, in order to clear up this thing, that I do not want to be put in the position of stating something that is not a fact. I stated that a two-thirds vote would adopt a draft convention. Now, morally, the nations are bound to adopt that.

Mr. MILLS. No.

Mr. FURUETH. I say morally they are, because it says so in the treaty, and they have been talking on that question in the Senate for a year.

Mr. MILLS. The treaty specifically says it has to be ratified.

Mr. FURUETH. I say legally they are not bound to do so, but let me say to the gentleman that I was present in Paris when the constitution for that very thing was adopted, the labor section of the League of Nations, and I had a hand in preventing something, although I was not a member. Again I was there as I am here, on the outside, lobbying the best way I knew how.

Mr. MILLS. Well, that is pretty good.

Mr. FURUETH. Now, then, I know what they did there, and I know what it reads. As a matter of fact, it reads this way, that if they fail to adopt it within one year the League of Nations may take steps to make them, if they feel like it.

Mr. HARDY. Is that a part of the labor plan?

Mr. FURUETH. That is a part of the labor plan. Now, it says further that the League of Nations makes itself responsible for the working condition of every man in every country with which they have financial or commercial relations, whether they are in the League of Nations or not, and that they will employ the boycott, or exclusive trading for the purpose, if they want to, of compelling them to obey. And I was one of the men who used whatever force I had to prevent that kind of thing.

Mr. MILLS. Let me ask you who was the leading representative of the United States at that conference?

Mr. FURUETH. At that labor conference?

Mr. MILLS. At the conference in Paris which drafted this labor convention.

Mr. FURUETH. Mr. Gompers was the chairman of it.

Mr. MILLS. Representing the United States?

Mr. FURUETH. Yes.

Mr. HARDY. You say you opposed that particular proposition?

Mr. FURUETH. I opposed it in Paris. I wrote a letter to President Wilson against it, and I stood alone, absolutely alone in the American Federation of Labor convention at Atlantic City, fighting it, and had myself put in the position of being ostracized because of my position.

Mr. MILLS. I congratulate you.

Mr. FURUETH. I am not accustomed, Mr. Congressman, to count the costs, as long as it is a question of me. I followed the soul, my convictions; I do not count the costs, as far as I am concerned, but it was a terrible temptation to me at that convention. I did not know but what I would lose every friend I had or every friend the seamen had. President Wilson, some members of the Cabinet, some Members in the Senate, and some in the House, were for that thing, and they knew me. Some of them had been friendly to me, and yet I had to take a position against what I knew they wanted. For three days I debated with myself as to what to do, and something in me cried, "You must do it! You must do it!" And I did it. As it was, it turned out all right. Those gentlemen were too generous to visit any penalty upon the seamen because of what I had done.

Mr. BRIGGS. Now, come back to section 2 of the bill. Just give the changes proposed.

Mr. FURUSETH. There is one in here that is so important to the United States that I hope you gentlemen will let it go in so you will understand it, because back of all this struggle that has gone on here in this country, including the Lakes themselves, is this thing here.

Mr. BANKHEAD. What is that?

Mr. FURUSETH. It is the incorporation papers of the International Shipping Federation (Ltd.), with members of the executive board in each shipping nation, with representatives of each nation and in the United States also. Under this thing they meet and they determine their international policies which they are to follow, and then the shipowners of each particular nation go to their governments to bring that policy into actual operation. Here is their incorporation paper and the men who signed it, their officers, taken from the official records in the record office in London.

Mr. BANKHEAD. You offer that for the record?

Mr. FURUSETH. Yes. And it specifically states there, too, so that they can control legislation, regulations, and everything dealing with shipping in every country in the world.

The CHAIRMAN. All right; I think that ought to go in the record. (The matter referred to is as follows:)

THE COMPANIES (CONSOLIDATION) ACT, 1908.

COMPANY LIMITED BY GUARANTY AND NOT HAVING A CAPITAL DIVIDED INTO SHARES.

[Memorandum of Association of the International Shipping Federation (Ltd.).]

1. The name of the company (hereinafter called "the company") is the International Shipping Federation (Ltd.).

2. The registered office of the company will be situate in England.

3. The objects for which the company is established are:

(1) To federate for the purposes hereinafter expressed or some of them associations of shipowners, formed for the support or protection of shipowners or the promotion or defense of their interests, and associations formed by shipowners or other persons, or for any other objects which the company shall consider analogous or conducive, and whether incorporated or not incorporated, and whether formed in the United Kingdom or abroad and whether already existing or hereafter formed and their nominees.

(2) To consider all questions affecting the interests of the shipping trade and other trades connected therewith, and to do all such things as may seem expedient with a view to the promotion of such interests.

(3) To procure the adoption, improvement, repeal, abrogation, or alteration of any laws, maritime contracts, usages, and customs in relation to such trades which it may seem to the company desirable to adopt, improve, repeal, abrogate, or alter and to oppose, delay, and resist any enactments, rules, regulations, by-laws, customs, or usages which may seem adverse to the interests of such trade or any department thereof.

(4) To indemnify any persons and companies interested in the shipping trades or other trades connected therewith against losses, liabilities, and contingencies in relation to any such trade and generally to carry on any kind of guarantee and indemnity business other than employers' liability insurance.

(5) To establish and maintain in any parts of the world bureaus or registries for engaging the services, whether in relation to navigation or management of ships or vessels or in loading or discharge of cargoes or any other operations, whether on land or sea, of officers, managers, stewards, clerks, messengers, servants, seamen, firemen, laborers, and other persons employed in any such business, and for collecting and supplying information to members of the company and others in relation to any of the said businesses, and to supply such services and information accordingly, whether gratuitously or otherwise, as may be deemed expedient.

(6) To communicate with any other like federation, association, or company, whether incorporated or not, in any parts of the world, and concert with it in promoting measures of any kind which the company is authorized to promote.

(7) To diffuse among the members information on all matters affecting the shipping trade, and to print, publish, issue, and circulate such papers, periodicals, books, circulars, and other literary undertakings as may seem conducive to any of these objects.

(8) To raise funds for any of the purposes of the company, whether by entrance fees or periodical subscriptions from members or voluntary contributions from members or other persons or otherwise.

(9) To purchase, take on lease or in exchange, hire, or otherwise acquire any real or personal property and any rights or privileges which the company may think desirable, and to hold, build upon, manage, improve, and develop, and to sell, lease, mortgage, or otherwise dispose of any such real or personal property rights or privileges for any estate or interest therein.

(10) To construct, equip, maintain, and alter or reconstruct any building or works necessary or convenient for the purpose of the company.

(11) To invest and deal with any moneys of the company not immediately required in such manner as may be determined.

(12) To borrow or raise and secure the payment of money in such manner as the company shall think fit.

(13) To undertake and execute any trust the undertaking whereof may seem desirable, and either gratuitously or otherwise.

(14) To transfer all or any part of the undertaking, assets, and liabilities of the company to any federation or association having objects altogether or in part similar to those of the company, or to amalgamate with any society or association having objects altogether or in part similar to those of the company.

(15) To enter into any agreement with any authority, supreme, local, municipal, or otherwise, or any association or company, incorporated or unincorporated, in furtherance of any of the objects of the company, and to obtain from any such authority, association, or company any rights or privileges which may seem conducive to any of the objects of the company.

(16) To admit any members, whether eligible or not for membership, to be honorary members of the company, and to confer on any person contributing to the funds of the company without constituting them members, such rights and privileges as may be legally granted to persons not being members of the company and on such terms as may be expedient.

(17) To do all such other lawful things as are identical or conducive to the attainment of the above objects or any of them.

4. The liability of the members is limited.

5. Every member of the company undertakes to contribute to the assets of the company in event of the same being wound up during the time that he is a member or within one year afterwards for payment of the debts and liabilities of the company contracted before the time at which he ceases to be a member, and the costs, charges, and expenses of winding up the same and for the adjustment of the rights of the contributories amongst themselves such amount as may be required, not exceeding £1,000.

COMPOSITION OF THE INTERNATIONAL SHIPPING FEDERATION (LTD.)—BOARD OF DIRECTORS.

Britain: E. Pembroke, 34 Leadenhall Street, London, E. C., shipowner.

Sweden: A. O. Wilson, Goteborg, shipowner.

Germany: P. Ehlers, Hamburg, shipowner and doctor of law.

Denmark: C. Kronman, Copenhagen, chairman Danish Shipping Federation.

Holland: J. Visser, Rotterdam, delegate for Shipping Federation of Holland.

Belgium: J. Langlois, Antwerp, ship broker.

Holland: J. Vink, Amsterdam, shipowner.

COPY OF THE REGISTER OF THE GENERAL COUNCIL OF THE INTERNATIONAL SHIPPING FEDERATION (LTD.)—NAME, ADDRESS, AND OCCUPATION.

Jacques Langlois, 7 Quai Van Dyck, Antwerp, average adjuster.

Maurice Ortmane, 15 Canal des Brasseurs, Antwerp, ship broker.

K. Reinhard, Borsen, Copenhagen, shipowner.

A. O. Anderson, 22 Ameliégade, Copenhagen, shipowner.

C. Leist, Norddeutscher Lloyd, Hamburg, shipowner.

Paul Ehlers, Adolfsbrucke 2, Hamburg, doctor of law.

J. Vink, Messrs. Budig, Voder & Co., Amsterdam, ship brokers.

L. Indebeton, Sveriges, Redareforening, Goteborg, master mariner.

A. O. Wilson, Sveriges, Redaregorening, Goteborg, shipowner.

Thomas L. Devitt, 13 Fenchurch Avenue, London, E. C., shipowner.

T. F. Harrison, 67 South John Street, Liverpool, shipowner.

R. M. Hudson, Tavistock House, Sunderland, shipowner.

Henry Radcliffe, the Docks, Cardiff, shipowner.

Sir Walter Runciman, bart, Masonic Building, Pilgrim Street, Newcastle-on-Tyne, shipowner.

F. S. Watts, 7 Whittington Avenue, London, E. C., shipowner.

J. Visser, Messrs. Wambersie & Son, Rotterdam, ship broker.

Mr. EDMONDS. Is that a financial concern, Mr. Furuseth?

Mr. FURUSETH. No.

Mr. EDMONDS. How did it come out? Is that the outcome of the League of Nations?

Mr. FURUSETH. No; that has existed for 20 years. First, it was incorporated as the British Federation (Ltd.), and then some 8 years ago—the date of incorporation is here—some 8 or 10 years ago they changed to the International Shipping Federation (Ltd.), and the Lake Carriers' Association. Mr. Harry Golder, I have been told by some of the men from the Lakes, went over to study the conditions, and to study the way they were doing business, and he came back and they established the system of controlling seamen that is now carried on by the Lake Carriers' Association, including the book that a man had to carry in order to get employment, and under which he black listed himself, or had to carry his own black list with him, if he did not lose the book altogether.

Mr. MILLS. Now, Mr. Chairman, I press my point of order, that the bill is before us, and that the witness should confine himself to the bill.

The CHAIRMAN. Yes.

Mr. FURUSETH. Now, then, gentlemen, section 2 changes the present law so that on the Lakes, on the Pacific, on the Atlantic, in the coast-wise trade, there is no necessity for any more than two watches on any but a very few vessels, because there are no vessels except a few. There are only a few vessels that do travel any greater distance than they can travel in 16 hours on one steady run, one steady, continuous run. That has been explained here as to what that means.

And I want to say that the shipowner construes these things, and the court construes them, and the court takes this view, as a usual proposition. They give the construction that is most favorable to the shipowner, unless Congress has been absolute and definite in its statement. Two times the Supreme Court did that with reference to the seamen's act, and then Congress amended it so as to show what they had intended.

Now, then, let us see that section 2. For one year or two years the sailors have had three watches. Before that they had two; before that we had none. As a matter of fact, we have never had the watch provision of the seamen's act carried out enough.

I have got a Senate document here on the question of wages and watches. The law says that the sailors shall be divided into at least two watches, which shall be on deck successively for the usual work of operating the vessel. Now, whenever there is any danger to the vessel the sailor works night and day until he drops, and everybody

on board ship does it, and has to do it, because he is fighting for his life, fighting for the preservation of the property, and there is not any question about hours or labor in that case. But in the common, every day work of handling the vessel 12 hours, 7 days in the week, 84 hours a week—that is the sailor. Three watches, 8 hours a day, 56 hours a week for oilers, water tenders, and firemen—that is the present law. Through arrangements with the shipowners we got three watches. We have had them for a year and a half, or about 20 months. That is to be taken away. All right. This bill proposes to put the oilers and water tenders who are in the fireroom and engine room on the same hours of labor as the sailor, 12 hours a day, 84 hours a week, in the fireroom and the engine room. That is the amendment to section 2.

The amendment to section 13 is to change the law so that we begin again at 40 per cent for able seamen all over the world. After this bill passes we begin at 40 per cent again and then go up, year by year, for another six years, to get 65 per cent.

Gentlemen, you have it in your power to do that kind of thing, but I have burned the midnight oil for 30 years and learned something about history, and I will tell you that when you do those things such as are calculated to be done now, when you do those things that are calculated to be done outside of this room now, you are burying the American merchant marine as absolutely as if you were dropping the clods of earth upon its coffin.

We will go to section 13. The Lakes do not need to have any able seamen at all! Whenever they are permitted to have something else they will have something else because it is cheaper. They want the able seamen abolished because it narrows the field from which they can take their employees. We want the able seamen retained because of our own safety, the public's safety, and because we do not want to do the work for somebody else, and we want it because it helps us in every way, including in our organization. I want to tell you, gentlemen, that our organization is a means to an end, and if the law is not enforced we will abandon the organization and will want to tear it into a thousand pieces. It does not exist as a job trust.

Mr. EDMONDS. This bill does not change that percentage required?

Mr. FURUETH. Yes; it reduces it from 65 per cent, which it is to-day, to 45 per cent.

Mr. EDMONDS. It does not anything of the kind; it can not.

Mr. FURUETH. How is that?

Mr. EDMONDS. It is impossible. This is simply an amendment made to the bill. It does not change the section at all. The section as originally written stands with the exception of this provision put in here.

Mr. FURUETH. No.

Mr. EDMONDS. The provision is the amendment.

Mr. FURUETH. I am very sorry, Mr. Congressman, to disagree with you, and still more sorry to have the Attorney General of the United States disagree with you and the court of appeals of New York disagree with you, because we had exactly that kind of section, we had exactly that kind of an amendment to a law dealing with forecastles, and the court held——

Mr. MILLS. Which court?

Mr. FURUETH. The court of appeals.

Mr. JEFFERIS. What items, on page 4?

Mr. FURUETH. That is another thing; that has nothing to do with the bill. That is simply a matter of construction there. I said this, that the courts will hold, and has held already, that with an amendment of that kind the bill will begin again at 40 per cent after the passage of this bill.

Mr. EDMONDS. That is about the percentage we have of American seamen now?

Mr. FURUETH. It is not the percentage of Americans you have; it is a little more than that. But let me suggest to you that you have only got the Americans you have because you changed the conditions.

Mr. EDMONDS. I do not think there is any intention on the part of Mr. Scott to change this percentage at all. It may be that the wording is wrong there.

Mr. FURUETH. I do not know what his intention is. I want to say to you that I do not blame Mr. Scott. Mr. Scott does not know what his bill contains. He did not draw it. He does not know what it contains. Somebody else drew it.

Mr. SCOTT. Well, now, I am perfectly willing that you shall go almost any limit, but that statement is absolutely false.

Mr. FURUETH. Did you not, Mr. Scott, say here that you did not have any intention to apply it to the coast or ocean?

Mr. SCOTT. I drew this bill this year, and I insist it does not have any application to the coastwise trade or the ocean trade; if it has any application to them, then I shall ask that it be changed. But as far as the bill is concerned, you have made the statement here that somebody drew it, and the inference is that some British syndicate or some American organization——

Mr. FURUETH. No.

Mr. SCOTT. Any inference might be drawn.

Mr. FURUETH. The employers' association in New York.

Mr. SCOTT. Will you bear with me for a moment?

Mr. FURUETH. Sure.

Mr. SCOTT. I introduced this same bill almost verbatim four years ago. At that time the suggestion came entirely out of my own mind. Every word in the bill was drawn by me, at my own suggestion, and at the solicitation of no living soul except the people who live in my section of the country. Now, subsequently they held a conference at Detroit at which every board of commerce in my home State of any size was represented. There were 144 men at that conference. They submitted a bill which complied exactly with the bill that I had drafted several years ago, and I then resubmitted the bill in its present form, and as far as its being suggested by the employers, the employees, or any syndicate or association is concerned, that statement is not correct.

Mr. FURUETH. Take the bill that you introduced before, Mr. Scott, and compare the two, and you will find that there is this fundamental difference, that your bill before applied to the Lakes and the Lakes alone. The bill you have introduced now applies to the ocean, to the Lakes, and to the coast. That is the difference, and all you have got to do is to take the two bills and put alongside of each other. Now, of course, I can only attribute that situation to the

fact, as I said, that you did not know all that was in your bill, because I do not for one moment, and would not suggest for a single second that you would mislead this committee or anybody, so the other horn of the dilemma is that you did not know, and that was not intended as an insult in any way.

Mr. SCOTT. Maybe that is true. I admit I am not infallible; but as far as my ability will allow me, I have drafted this law to apply solely to the Great Lakes, and I think the committee will accept my statement of the fact; if it is necessary to change it there are a number of very able lawyers on the committee who will so phrase it that it will exclusively confine its operation to the Great Lakes.

Mr. MACLEAN. Mr. Scott, may I say that the Employers' Association of Detroit was not even represented at the Detroit conference, and were not even invited? They were not there.

Mr. FURUSETH. So your employers' organization took the thing and swallowed it?

Mr. MACLEAN. What employers' association? The conference consisted of representatives of the boards of commerce on the Great Lakes. The Detroit Employers' Association were not invited and was not there.

Mr. FURUSETH. Then the Detroit Employers' Association had nothing to do with the drafting of it?

Mr. MACLEAN. Absolutely nothing.

Mr. FURUSETH. In other words, that is to say, that having nothing to do with the drafting of it it was referred, without explanation, to you, and you did not examine further into it but simply indorsed it; is not that true?

Mr. FREE. Mr. Chairman, I do not care whether the Employers' Association or whether the unions were responsible for the introduction of this bill. I wish the testimony would be confined to the provisions of the bill and that the witness would forget all the side issues.

Mr. HARDY. Give us the effect of the bill.

Mr. FURUSETH. The effect of the bill, as far as section 13 is concerned, the practical effect will be this, that just as the Lake ship-owners in the past could go to any district of the country, or elsewhere, for that matter, so far as the immigration laws permitted it, to obtain men to serve on the vessels, regardless of whether they had ever been to sea before or not, or ever had been on the Lakes or not, or ever had their foot on board a vessel or not, and were the sole judges, so they will be the sole judges in the practical operation of this bill, because all that a certificated lifeboat man has to do is to pull a couple of oars reasonably well, and any boy around the Lakes or around the river, if he is not a dunce, can do that, and that is all he knows.

Now, then, let us see what it means with regard to safety: A lifeboat is manned by from 7 to 15 men, according to its size. There are three oars in a lifeboat that carries 30 people—I am not absolutely correct in that, I suppose, but a lifeboat that carries 30 people will have three oars on one side and three on the other. It may carry 40 people, but usually the manning of a lifeboat is from 6 to 7. There may be small lifeboats that go down to 5, with 2 men on each side and 1 man to steer. Now, in order to land that boat, as it was testified

in the hearings and was understood and agreed, there must be 1 man in that boat who knows how to use a steering oar.

Mr. EDMONDS. Does not section 6 take care of that by saying that an able seaman or certificated lifeboat man shall be placed in charge of the boat?

Mr. FURUETH. Yes; but that is amended in section 14 here. That is amended in this bill so that there will be nobody there who really knows, except the licensed officers, and there is a whole lot that a licensed officer does not know either. The pitiful thing of it all is that the standard of skill of a seaman has gone down to such a terrible degree that there are a very few seamen that know their business as they should know it, either the officers or anybody else, and we have been trying to build that up, but with the employers under no regulations at all and no standards at all it will go down further still, and that is the practical operation and practical result of this legislation—to destroy whatever skill you have and to absolutely do nothing to build it up.

Mr. HARDY. As I understand you, you mean that the provision on page 4 that on the Great Lakes and on their connecting waters certificated lifeboat men may be used in lieu of able seamen will do away with the necessity for any able seamen on the Lakes.

Mr. FURUETH. Absolutely. There will not be any able seamen employed; there will not be any able seamen on the Lakes at all.

Mr. MILLS. Are there any able seamen on the Canadian boats?

Mr. FURUETH. Yes.

Mr. MILLS. Have they any such law as this?

Mr. FURUETH. They have got certificates, I was just told. If you will look at section 14 of the seamen's act, you will find stated there that every foreign nation vessel that comes to the United States will be subject to the same identical law as an American vessel.

Mr. MILLS. I know that.

Mr. FURUETH. With regard to life-saving equipment and the manning of the same.

Mr. MILLS. Yes; but now answer my question. Is there any Canadian law providing that 65 per cent of the deck crew shall be able seamen?

Mr. FURUETH. I do not think there is, so far as I know.

Mr. MILLS. Yet the Canadian boats operating on the Lakes do have able seamen.

Mr. FURUETH. Because they come into American ports.

Mr. MILLS. Well, did they have able seamen prior to the passage of the seamen's bill?

Mr. FURUETH. No.

Mr. MILLS. The Canadian boats never did?

Mr. FURUETH. No.

Mr. CHINDBLOM. How could they run; how did they run?

Mr. FURUETH. They ran with such men as they could get. Sometimes, of course, they had a man to steer that could steer.

Mr. MILLS. Well, is any attempt made to enforce this law as against the Canadian boats?

Mr. FURUETH. In my opinion, there is not. That is the trouble. If it was enforced against the Canadian boats, these men would not be here to complain so much as they are.

Mr. MILLS. But it is not enforced against the Canadian boats?

Mr. FURUETH. Very little.

Mr. MILLS. Therefore the Canadian boats do not have able seamen because of this law?

Mr. O'BRIEN. I do know that the inspector in Buffalo asked me this question, if the certificate that the Canadian seaman had should be recognized, or did we recognize it. I said, "I do not know; that is up to you." So that is how I came to know that the able seamen have certificates in Canada, because of the fact that the inspector was questioning those men as to their ability, and finding out if the certificates that we got——

Mr. MILLS. That is not necessarily so, because he might be rated as an able seaman without having complied with the provision requiring a service of three years on a vessel.

Mr. FURUETH. No.

Mr. O'BRIEN. Eighteen months.

Mr. FURUETH. No; they would not; not under the English law, and the English law runs in Canada.

Mr. HARDY. The law says—

That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same.

That is the law, if it was enforced, and somebody ought to be made to enforce it.

Mr. MILLS. It does not apply to the Great Lakes?

Mr. FURUETH. You see, the British law dealing with the personnel applies to every vessel under the British flag.

Mr. O'BRIEN. Under the British law a man can not become an able seaman——

Mr. FURUETH. Except after three years' experience.

Mr. MILLS. When was that law passed?

Mr. FURUETH. 1906.

Mr. MILLS. In the testimony before the Senate committee in 1913 it appears that whereas the British law rated as an able seaman a man who had served three years, it was merely a classification, and there was no British law which compelled a vessel to carry a certain number of them.

Mr. FURUETH. That was all they knew about it at that time, and that was all I knew about it at that time. And I sent to England for the law dealing with vessels, and I found that in all vessels known as immigrant ships they must carry 75 per cent—not 55 per cent, but 75 per cent—of able seamen; and the English articles, outside of immigrant ships, do not rate a man as an able seaman; they simply put the rating of seaman. It is not an able seaman.

Mr. MILLS. But outside of the so-called immigrant ships, the British law——

Mr. FURUETH. The British law does not compel the shipowner to carry any able seamen. That is the law.

Mr. CHINDBLOM. Are the Canadian ships running on the Great Lakes immigrant ships?

Mr. FURUETH. No; certainly not. They are not compelled, under the Canadian law, unless it has happened in the last 12 months.

Mr. EDMONDS. Do the Canadian boats running from Port Arthur to Owen Sound carry any able seamen, the Canadian Pacific steamers running down to Georgian Bay? They do not stop, do they?

Mr. FURUETH. On the Lakes?

Mr. EDMONDS. No; they do not stop at all, do they?

Mr. FURUETH. I do not suppose they do, sir. I am trying to keep up with the laws of the different nations, and I have no knowledge of Canada having passed any law compelling the Canadian vessels to have able seamen.

Mr. EDMONDS. You can not make those vessels have able seamen, because they do not use our ports, and yet they compete with our passenger lines.

Mr. FURUETH. I do not think that they come into our ports at all.

Mr. EDMONDS. No.

Mr. FURUETH. If they do not come into our ports, you can not compel them to have able seamen.

Mr. EDMONDS. They take passengers from the Lake Superior ports down to Canada and run them through to Toronto and deliver them in Buffalo, just the same as we carry them on our lines.

Mr. FURUETH. Does the vessel deliver them there?

Mr. EDMONDS. No; the vessel leaves them at Owentown, and they take the rail from Toronto to Buffalo.

Mr. FURUETH. Let me understand this. They take them at Canadian ports?

Mr. EDMONDS. At Port Arthur; yes.

Mr. FURUETH. And deliver them at Canadian ports?

Mr. EDMONDS. At Owentown; yes.

Mr. FURUETH. And then they go by rail over to the American side?

Mr. EDMONDS. To Toronto, and come to Buffalo from there.

Mr. FURUETH. Then that kind of a vessel would not be compelled to have able seamen under the law, as I understand it.

Mr. EDMONDS. And yet they compete with our liners.

Mr. FURUETH. I do not see how they do.

Mr. EDMONDS. They take people from the Lake Superior ports and deliver them in Toronto.

Mr. FURUETH. On the British side. I think it was testified here, and I do not know but what it is true, that there may be some order in council. You know England has peculiar laws, and they will pass an order in council. It may be that they have absolute coastwise protection against American ships or any other ships in Canada. Now, I do not know whether that is so or not.

Mr. EDMONDS. They have coastwise protection?

Mr. FURUETH. They can not be competing at all, because an American ship can not carry a passenger from one Canadian port to another.

Mr. CHINDBLOM. You speak of orders in council. Orders in council in England have the force of law, do they not?

Mr. FURUETH. Exactly. I said I do not know what kind of orders in council have been issued or may not have issued. What they have written into law I am trying to keep up with.

Mr. CHINDBLOM. They killed our China trade by an order in council, or tried to do it.

Mr. FURUETH. I have not any doubt about it. The fact of the matter is that I know too well that some people are now trying to kill the whole merchant marine of the United States in other directions by an order in council. It may be that they have already issued an order in council so far as I know, because I am not the father confessor of any of those people. I know what they are doing as I know I am standing here.

Now, if you have heard all that you want to hear about section 13, the next section that this bill amends is the safety section, pure and simple, dealing with life-saving appliances and the manning of those life-saving appliances.

Now, then, let me give you what the law was before this bill passed, and what the law is now, and then remember what the law will be when you cut it in two or more. The present law gives the board of supervising inspectors, with the approval of the Secretary of Commerce, the power to make regulations for safety by determining the number of men to be employed, but sets no standard of skill or experience for the men so employed except as to licensed officers, and to determine the kind and the number of life-saving appliances such as davits, lifeboats, and rafts, leaving the standard of such appliance to be set by regulation.

Let us see what changes the law makes. That thing is changed in this law by setting a standard for able seamen. That is the new part of the law.

Then it says that on the ocean every person shall be an able seaman after three years' service on deck at sea, or on the Great Lakes; and that on the Lakes a person shall be an able seaman after he has had eight months' service on the deck of a vessel to which the section applies.

Section C provides for service in the Navy. There is nothing in the old law about that. Then, there is section B. There is nothing in the old law about that. Then comes section C. There is nothing in the old law about that.

Section D deals with persons holding diplomas from colleges, etc. There is nothing in the old law about that. Then, it provides how a person shall become a certificated lifeboat man. You know how he becomes one. There is nothing in the old law about that.

Mr. JEFFERIS. What do you mean by the old law?

Mr. FURUETH. The law as it existed before the passage of the so-called seamen's act. The fact of the matter is that the ship-owner on the Lakes, outside of the requirements of a few life-saving appliances—and I will show you how little they were—and outside of being compelled on certain vessels to have some officers, was left absolutely to his discretion in the treatment of his crew, absolutely so. It was left to him absolutely, and he treated them in such a way that the turnover was some 1,300.

Mr. BRIGGS. One thousand three hundred what?

Mr. FURUETH. One thousand three hundred per cent. That is to say, it took 1,300 men to fill one job in eight months.

Mr. HARDY. You mean that a man would work a little while and then quit, and they would get another one?

Mr. FURUETH. A man goes on board a vessel in Buffalo, and goes to Cleveland, and quits the boat in Cleveland and goes back to Buf-

falo and leaves. They pick up anybody they can find, no matter whether he has ever been to sea before or not, and no matter whether he does not know anything about anything.

Let me deal one second here with the question of the Lake situation, the weather situation. There has been so much talk about it here. Mr. Scott insists upon one thing, the shipowners insist upon another thing, and we insist upon a third thing. I want to say to you that if the shipowners are stating the truth now, then they did not tell all the truth to the committee when it had this under consideration before, because then they insisted that there was a tremendous difference between the condition of the water in the summer, in the fall, and in the spring, and as a result of that the safety regulations that we agreed to and that were adopted by the nations in London were so modified as to be what they are now on the Lakes, and that was done under the pressure there and the information furnished by the Lake people, the Lake employers.

The question is what is the Lake situation? There is no need to argue that at all. There is a Weather Bureau here. That Weather Bureau can furnish this committee with the daily weather condition on the Lakes, the temperature of the water, the amount of snowfall, the amount of rainfall, and the temperature from day to day for the last 10 years, and it is altogether a waste of time to have somebody come here and say one thing and somebody else say another, when your Weather Bureau will give you the facts, and does not worry itself about whether it hurts this man or that man. It has not any particular interest, consequently all you have to do is to send to the Weather Bureau to get the real facts with reference to the weather conditions on the Lakes.

Now, with reference to life-saving stations. Life-saving stations are placed in the United States for the purpose of protecting lives on vessels, saving men on shipwrecked vessels near the shore. That is their only purpose under the legislation. If the Lakes have such a wonderfully placid water, as your committee is urged to believe, why 63 life-saving stations? If Saginaw Bay is such a placid place, and there is no danger, why five life-saving stations? Why waste American money? What did the Congressmen from Michigan say to Congress, and what did the Senators from Michigan say to Congress when they got Congress to waste the money of the citizens in establishing life-saving stations and paying life-saving crews around those places? Did they come and say that those places were placid, and that there was no danger? Surely not! Surely they did not come and deceive Congress. Surely all this cost is not all pork.

Mr. SCOTT. One of them is located in my district, on Mackinac Island. They never had a vessel wrecked there since the island came up out of the lake; they never had a life lost there by shipwreck.

Mr. FURUSETH. And yet there is a life-saving station there?

Mr. SCOTT. Yes; there is a life-saving station at Mackinac Island.

Mr. FURUSETH. Then, excuse me. Somebody was hungry for pork.

Mr. SCOTT. That is what they were, and it was put in there during the last administration, too.

Mr. FURUSETH. During the last administration?

Mr. SCOTT. Yes; by the Democrats.

Mr. EDMONDS. For the benefit of the new members of the committee, let me say that the testimony was that the shore line of Lake Michigan was over 60,000 miles. Sixty-four life-saving stations would mean one every 30 miles, and if you are going to have life-saving stations at all, one every 30 miles is not too many.

Mr. FURUETH. I am not complaining about the number of them at all, and I am not saying there are too many. I am saying that if the lakes have such wonderfully placid waters, and there is no danger, then there ought not to be any, because it is a pure waste of money, and pure pork.

Now, with regard to the standard for lifeboats, pontoons, and rafts that this bill provides for, as it stands. Before the law passed the standard was left to the supervising inspectors. Then the equipment of vessels consisted of lifeboats, pontoons, and rafts. The number and standard was left to the inspection service. Let me say that on the lakes, bays, and sounds, from October 15 to May 15, 25 per cent are boats and 75 per cent are rafts for the maximum number of persons on board. That is during the winter months. From May 15 to October 15, $7\frac{1}{2}$ per cent are boats, $22\frac{1}{2}$ per cent are rafts, and 70 per cent neither, for the maximum number of persons on board. That is how the law was. They changed it so as to read: From September 15 to May 15, 75 per cent shall be lifeboats and 25 per cent life rafts, for all persons on board; from May 15 to September 15, 20 per cent shall be lifeboats, 30 per cent life rafts, and 50 per cent neither. Putting this thing a little different, how will it read? That the shipowners on the lakes are officially permitted by the Government to drown 70 per cent of the people that they have on board.

Mr. CHINDBLOM. Do you think that is a fair statement?

Mr. FURUETH. I do absolutely, because when you make a law here, gentlemen, and take the responsibility off the shipowners, you serve as their conscience, you take the duty and the responsibility from them and you shoulder it yourselves. Now, then, you did not do that until this bill was passed; you left it with the inspection service. The inspection service, therefore, served as their conscience, and whenever any trouble came they said, "We had all the appliances that the regulations called for," but they did not take care of any more than 30 per cent in any case, and left 70 per cent to be drowned. In other words, they had official permission to drown 70 per cent of the people they carried. That sounds a little different, but it is a cold-blooded, brutal fact.

Mr. CHINDBLOM. You would have 100 per cent in the summer time, too, then?

Mr. FURUETH. No; I do not think it is necessary in the summer time. I will take some risks, even if I were a Congressman, I would take some risks on that. I would not overburden them.

Mr. SCOTT. Then you would legalize murder to the extent of 50 per cent?

Mr. CHINDBLOM. You would drown 50 per cent in the summer, would you?

Mr. FURUETH. I would take that chance. I do not think I would take the chance of 50 per cent, however, if I had to do with it.

Mr. CHINDBLOM. You would take it up to September 15th, but you would not take it on September 16th?

Mr. FURUSETH. But the present law calls for 20 per cent of life-boats, 30 per cent of life rafts, and 50 per cent of nothing.

Mr. CHINDBLOM. Fifty per cent what?

Mr. FURUSETH. Fifty per cent nothing, neither. That is what the law calls for now. We protested against making it that way because, in our opinion, it was not enough, but we finally accepted it because we could not help ourselves. And now the men that brought that condition about come here and urge you to make it still less.

Mr. HARDY. But there are life belts and things of that sort so as to support a man a little while in the water, and that is something?

Mr. FURUSETH. The provision with regard to life belts is left exactly as it is here.

Mr. HARDY. Wait one minute until I can ask my question. The difference between summer and winter was on the supposition that the people who got into the water might live until they were rescued in the summer time, whereas they could not do it in the winter?

Mr. FURUSETH. Exactly, that was the philosophy of it.

Now, let us take a life belt. It is composed of cork, or supposed to be cork. Sometimes it is, and sometimes it is tuly, and tuly is good as long as it is not too old, and it is made up as a waistcoat, and you put it on almost as a vestcoat, and then you tie the strings over here, over your middle, about where that belt is.

Mr. EDMONDS. Mr. Furuseth, did we not have that question up before when the bill was being considered, and go into the life-saving belt question, and the question of life preservers very completely, and I understand the regulations now require that they shall be composed of cork, and that the tuly life preservers have been abolished?

Mr. FURUSETH. I am not so sure about that.

Mr. EDMONDS. The regulations now require that they shall be composed of cork.

Mr. FURUSETH. The probability is, if tuly has been abolished, that it was because Congress did it.

Mr. EDMONDS. We did it. We found that the condition was very bad with regard to the life-belt service.

Mr. FURUSETH. You put that on, and, of course, it will keep you in the water for a little while if the water is not too cold, but let me show you gentlemen what happened while you were discussing this bill, when Congress was discussing this bill. The *Empress of Ireland*, with some 1,200 people on board, or more, was laying less than 3 miles offshore, just about 2 miles offshore in the St. Lawrence. She was run into by a Norwegian tramp and sunk. Help came there within two hours, and yet a thousand people were dead by the time they were taken up out of the water.

Mr. SCOTT. What kind of ship was that?

Mr. FURUSETH. The *Empress of Ireland*, one of the finest passenger ships on the ocean.

Mr. SCOTT. On the ocean?

Mr. FURUSETH. Yes.

Mr. SCOTT. She was an American ship, was she?

Mr. FURUSETH. No; English—the *Empress of Ireland*, running passengers between Quebec and Great Britain.

Mr. SCOTT. Then you are admitting that besides the equipment on the ship itself, and in view of the fact that all during the summer time

and up into November a ship is never out of sight of at least four ships, and that up to 21—you will admit that some assistance could come from the fleet of ships that are constantly traversing the Great Lakes?

Mr. FURUETH. Yes: provided that the ship that comes to the rescue has anybody to lower the boats and handle the boats and help the people, but you are taking away here the only people who can do that. You are taking away the men who can handle the boats, lower them in a hurry and get them off, because, mind you, the working boat of a ship is not manned by a certificated lifeboat man, or a steward, or a flunky, or anybody else; the working boat that is lowered to save life in a general disaster is manned exclusively by able seamen.

Mr. SCOTT. You are not going to utilize the 62 life-saving stations either?

Mr. FURUETH. Sixty-three stations.

Mr. SCOTT. I just called up the Coast Guard, and they told me they have 62, but if you say 63——

Mr. FURUETH. All right, they said 63 to these men yesterday. For the Lord's sake! I can not help that.

Mr. EDMONDS. Maybe they have closed that one on Mackinac Island since.

Mr. FURUETH. The vessel was less than 3 miles offshore, laying to an anchor, if you please, with everybody on board, everybody ready to obey, and a Norwegian steamer came up and ran right into her and sunk her.

Mr. HARDY. What time of the year was it?

Mr. FURUETH. About November.

Mr. CHINDBLOM. Well, it was while this bill was being considered for passage, was it?

Mr. FURUETH. It was while this bill was under consideration, but this bill was considered for a long time. It was up in the House and up in the Senate and up in the House and up in the Senate and up in the House and up in the Senate.

Mr. CHINDBLOM. The crucial time was a few months prior to March, 1915, was it?

Mr. FURUETH. The absolute date——

Mr. HARDY. You can put that in the record.

Mr. EDMONDS. It was in cold weather, and a very foggy day.

Mr. HARDY. Was it the cold water that killed those people?

Mr. FURUETH. I have not got the date of the sinking of the *Empress of Ireland* here—the date is not here.

Mr. HARDY. Put it in your statement.

Mr. FURUETH. Here is a fact about disasters at sea, dug up. Running from 1860 to 1914 the record is 31,000 lives lost at sea.

Mr. EDMONDS. Then that is the safest kind of travel. It beats the railroads.

Mr. FURUETH. Congressman, let me make a suggestion to you. If you will pass a law that no vessel shall be permitted to be insured for more than half of its sale value, and then will abolish or repeal the marine liability laws of the United States, and put the same responsibility for the loss of life upon the shipowners that you have put upon the railroads, in the name of the seamen of the country, I

will agree to the striking out of every vestige of safety legislation for seamen. I know that under those circumstances I can agree that you can strike out all the laws regarding engineers, masters, and pilots, all the safety legislation, all the regulations that shipowners complain about, and leave it to the shipowners absolutely to use their own judgment.

But do not permit them to insure their vessels for any more than 50 per cent of the sales value, as they do in Holland, and put them under the obligation for the loss of life the same way as the railroads are, and do not let them insure against the loss of life; do not let them take it and turn it over to the public through insurance. If you do that you may strike every bit of it, and I know that the seamen will agree, and we will agree on the part of the people, because we know more about what is safe for the people who travel than anybody else does. We travel with them and we understand, because those who are able seamen know what is dangerous and what is not.

There never was any necessity for any regulations at all until it got so that you could insure the vessel for her full value and more if you wanted to, and, secondly, until you adopted the limitation of liability and took the responsibility from the shipowner. Up until that time there was no such thing as regulations about safety, because self-interest stood guard at safety. When you swept away self-interest, then you had to make legislation. That is all there is to that.

Mr. BRIGGS. Are those figures with regard to the loss of life at sea between 1860 and 1914 complete?

Mr. FURUSETH. No. Here is how we went to work about it.

Mr. CHINDBLOM. They apply to disasters all over the world?

Mr. FURUSETH. Yes; and in the American vessels there was more of it than in any others.

Mr. SCOTT. Give us that.

Mr. FURUSETH. I can give you that by and by, but I can not give it to you now.

Mr. HARDY. I want to ask you a question. I understand it, but I expect some of the members do not. What do you mean by limit of liability?

Mr. BRIGGS. I want to ask further about that figure. Does that pretend to represent all the lives lost at sea during that period of time?

Mr. FURUSETH. No; let me explain it to you. We went to the bureaus in Washington. We were up against the same proposition then as we are now. The Congressmen said, "Will you kindly tell us what is the total number of people drowned at sea?" and so on, and we spent two months writing that article and put it in the record, and it has stood the test ever since for the most critical men and everybody else.

Now, let us come to this thing here: They said, "How many people have been lost? Where have they been lost? How have they been lost?" So we went to the bureaus here in Washington. Now, they are supposed to make reports to the Steamboat-Inspection Service, and they are supposed to keep records.

Mr. BRIGGS. Were these American vessels only?

Mr. FURUSETH. No; these are not American vessels only.

Mr. BRIGGS. These are the figures for the whole world?

Mr. FURUSETH. Yes.

Mr. BRIGGS. I just asked you whether they purported to be complete figures and whether they were all the people that had been drowned during that period at sea?

Mr. FURUSETH. No; they are people that we could get the absolute facts about. They do not show all the Americans or the figures for all the world, but it was the only thing we could get. We went to the bureaus here and got the facts we could, and then we went to——

Mr. BRIGGS. I understand that.

Mr. HARDY. Please explain what you mean by the limit of liability and its effect upon the vessel owners' interest.

Mr. FURUSETH. Under the American law the shipowner is not liable to the traveler and the shipper beyond the freight money pending and the proceeds from the sale of the wreck—that is all; the freight money pending and the proceeds from the sale of the wreck.

Mr. HARDY. Suppose the vessel goes down?

Mr. FURUSETH. There are no proceeds from the sale of the wreck, as in the case of the *Titanic*. That was decided in the Supreme Court. Instead of going over to England they came into an American port and took advantage of the law here, and the only thing that remained there was half a dozen boats that were picked up.

Mr. GAHN. They settled, did they not?

Mr. FURUSETH. They never settled anything. They settled in the United States, because the Supreme Court said so, for the dead and the sufferers to the extent of about \$90,000.

Mr. HARDY. There is another question I want to ask you, and I think it is essential. If the law prescribed certain requirements and they comply with them, then they have no liability, but if they do not comply with the requirements they have liability under our law?

Mr. FURUSETH. Yes.

Mr. HARDY. So that when you relieve them of the requirements you thereby relieve them of all liability for losses?

Mr. FURUSETH. Absolutely. That is correct. Now, there is another thing in this law——

Mr. HARDY. Let me get that plain. So that if only 20 per cent of life-saving equipment is required on a vessel and 100 per cent goes down, the vessel has, if it has the 20 per cent equipment, complied with the law and is there free from liability?

Mr. FURUSETH. She is free from liability.

Mr. HARDY. If the vessel had been required to have a larger equipment she would not be free?

Mr. FURUSETH. No, sir. If she was required to have 20 per cent, and she had 20 per cent boats and 30 per cent rafts and 100 per cent life preservers, having them and every man, as provided by law here, to handle them, then they are absolutely free from any liability.

Mr. CHINDBLOM. The question of negligence does not enter into it?

Mr. FURUSETH. No, sir; negligence is not upon the owner. The owner has shed that responsibility and put it on the crew. Legislation took that responsibility off his shoulders and put it upon the licensed officer.

Mr. EDMONDS. Well, if the disaster is due to the fault of the captain, the boat is still liable to those people who are drowned, is it not?

Mr. FURUETH. No, sir; nothing of the kind.

Mr. EDMONDS. Yes; it is. The Harter Act says that.

Mr. FURUETH. Excuse me. The Harter Act passed, and the *Slocum* disaster took place, and I have yet to find one single person who collected anything.

Mr. EDMONDS. It was not found that it was due to the fault of the officers on board.

Mr. FURUETH. It was not? The captain of the *Slocum* was sent to prison.

Mr. EDMONDS. Was not the value of the boat liable?

Mr. FURUETH. Not at all; not a cent. You see, in that case they were trying by law to take the insurance money—to seize upon the insurance money.

Mr. EDMONDS. I am not talking about the owner of the boat; I am talking about the boat itself.

Mr. FURUETH. The boat itself was gone; it was burned.

Mr. EDMONDS. And it was held that the insurance was liable?

Mr. FURUETH. They could not take the insurance money.

Mr. EDMONDS. So, if they could have taken the insurance money, that would have gone to the people?

Mr. FURUETH. If it could have been done; but they could not do it under the law and they can not do it under the law now. Let me explain this to you: The shipping companies incorporate each particular vessel as a separate corporation, and then they make the contracts with this dummy corporation over to a holding company—a managing company—and when the boat is burned or sunk the corporation has no assets, and nothing can be collected from that at all from anybody.

Mr. EDMONDS. You can not collect the insurance that there is on the ship?

Mr. FURUETH. No; because if you could they would not insure; there would be no inducement for a man to insure his vessel if you could do that. If you could seize the insurance, there would be no inducement for a man to insure his vessel.

Mr. EDMONDS. You mean that the boat company owed the insurance to the ship subsidiary company—the holding company—and they took the insurance?

Mr. FURUETH. I mean this, that the boat really belonged to the same company. Take the Knickerbocker Steamboat Co. They have several boats, but each boat is incorporated as a separate corporation, and the contract is made by the Knickerbocker Steamboat Co. to operate the boat under certain laws and regulations, and certain money has to be paid by the Knickerbocker Steamship Co. to the *Slocum* Co. as hire for the boat as pay for the use of the boat, so much hire per month, per day, or whatever it may be. Now, then, when the *Slocum* sinks the *Slocum* Co. sinks, because it has got nothing, there are no assets that can be reached anywhere.

Mr. EDMONDS. How about if the *Slocum* Co. had insurance?

Mr. FURUETH. If they had insurance you can not reach the insurance, because if you do make arrangements so that you can reach the

insurance, then the people will not insure, because what is the use of insurance if somebody can go and take the insurance money from them?

Mr. EDMONDS. Suppose the company insures the boats and gets the insurance?

Mr. FURUETH. The vessel gets it in the same way.

Mr. EDMONDS. The Knickerbocker Co.?

Mr. FURUETH. The Knickerbocker Co. will get it; they take the insurance, of course.

Mr. SCOTT. Is that the system in vogue on the Great Lakes?

Mr. FURUETH. Certainly.

Mr. HARDY. Did anybody get anything out of the *Slocum*?

Mr. FURUETH. Nobody.

Mr. SCOTT. How many subsidiary companies are there under the D. & C. Line?

Mr. FURUETH. I do not know, sir.

Mr. SCOTT. They have eight ships operating. Do you mean to tell this committee they have eight subsidiary companies?

Mr. FURUETH. I do not know. I presume, for one thing, that they are business men of the same acumen and the same sharpness as others and that they will take advantage of the laws that operate in their favor.

Now, if you will put this thing over for a month, these hearings over for a month, I will get you the absolute history of these companies from the secretaries of the different States where they are incorporated, what they have been earning, how much they have got in improvements, how much they paid in dividends, and all that, where they are incorporated. That can be obtained and you can get it instead of depending upon this loose talk.

Mr. SCOTT. The Interstate Commerce Commission has it?

Mr. FURUETH. The Interstate Commerce Commission has not got it. I do not think—they may have it—I do not know whether they have it or not; but I know somebody has absolutely got it, and they are required, under the incorporation laws to give a yearly report of their investment, their earnings, their dividends, whether it be a stock dividend or money dividend, and then their surplus, and how much they put into improvements and new material, new vessels, etc., and where it all comes from. There is no difficulty in getting that, but I did not know anything about this thing. I had not any idea. We got a description about four big steamship companies in New York, but I did not have any idea it was coming here now, and, of course, we are not prepared for that kind of thing. And it is a very serious thing too, gentlemen, to submit to us, who do not know and are not supposed to know anything else except a sailor's duty or a fireman's duty—it is not necessary that a man shall be able to read and write in order to be a sailor or fireman, and you are asking us questions in some instances here that could only be properly asked of a financier or a lawyer.

Mr. MILLS. But you brought up this question yourself. You undertook to tell the committee what the law was with relation to the limit of liability.

Mr. FURUETH. Yes; I did that, because that I know. Then I was asked, "Does that apply to the Lakes?" I said, "Yes; the law ap-

plies; certainly it does." Now, do the Lake shipowners take advantage of it? I said I did not know. I said I presumed they are business men of the same acumen and looked after their own interests the same as any other men do. I do not know, and I can not tell, but if you will give me a month to find it out I will find it out; I will find out whether they have subsidiary companies or not. There is no difficulty in finding it out.

Mr. HARDY. I understand you know that they do it in other places.

Mr. FURUETH. Absolutely; on the Atlantic and on the Pacific the shipowner just simply does that all the time. I know shipping companies that have got 30 vessels made up on 30 separate corporations, and that the vessels belong to the corporations. They are simply dummy corporations, that is all; but you can not prove that in a year.

Mr. JEFFERIS. Is there any law with regard to this insurance business that you speak about?

Mr. FURUETH. None at all. The law about insurance is this, sir. I will take the *C. & D.* I do not own a nail in the *C. & D.* She is running from Buffalo to Cleveland, is she not?

Mr. O'BRIEN. The *C. & B.* does.

Mr. FURUETH. Well, we can take any other ship in the Great Lakes; I do not care where she is. We can go and take insurance on that vessel. Insurance is on a bet. I will bet against the insurance company that the vessel will sink.

Mr. CHINDBLOM. Do you mean to say that you must not have an insurable interest?

Mr. FURUETH. I mean that under maritime law you do not have to have an insurable interest at all.

Mr. CHINDBLOM. I know that you can insure anything in Lloyd's.

Mr. FURUETH. I say that was the maritime law up to a year ago. I do not know what it is now. You have not got to have any insurable interest in a ship. You can go and insure it yourself.

Mr. HARDY. So the holding company got the insurance money upon the ship that belonged to this separate corporation?

Mr. FURUETH. Yes.

Mr. CHINDBLOM. I can very well see how a holding company would have an insurable interest to guarantee its earnings.

Mr. BRIGGS. I assume your reference to the law just now, Mr. Jefferis, was whether there was anything on the Federal statute books.

Mr. JEFFERIS. What I was trying to get at was whether this liability limitation and insurance limitation in practice amounted to the shipowner turning over all of his responsibility to somebody else, to the insurance company, or to the law, so to speak, so that the only safety the public had was really the law requiring the number of men and the kind of men to operate the safety appliances.

Mr. FURUETH. That is all the safety the public has.

Mr. MILLS. How about the value of the vessel?

Mr. FURUETH. I say the value of the vessel means nothing to the traveling public.

Mr. MILLS. Come, now, it does mean a great deal, short of total loss. If a person is traveling on a vessel and he is injured through the negligent handling of the vessel, he collects. It is only in case of total loss that he does not collect.

Mr. FURUSETH. If a passenger on board of a vessel is hurt through the bursting of a steam pipe or through the breaking of a handrail or through the breaking down of something else—if he is hurt in that way, he has got a right to recover damages.

Mr. MILLS. Yes.

Mr. FURUSETH. But that is not the case of the loss of the ship: that is not the case of the sinking or burning of the ship.

Mr. MILLS. We are getting into all kinds of very intricate questions here, which could all be solved by saying that the liability of the owner is limited to the value of the ship?

Mr. FURUSETH. I said that at the beginning.

Mr. MILLS. Then that covers the whole case, does it not?

Mr. FURUSETH. No; that is not true.

Mr. MILLS. If she is not a total loss, the shippers and passengers recover the value of the ship.

Mr. FURUSETH. Even there that is not true. The Congressman is misinformed.

Mr. MILLS. I doubt it.

Mr. FURUSETH. Here is the law. Wait until I get "liability."

Mr. EDMONDS. On page 116, Mr. Furuseth. You have the Harter Act there.

Mr. FURUSETH. That only repeals some parts of it. Now, let us see what the Harter Act says.

Mr. JEFFERIS. It is section 3, at the bottom of page 116, I think.

Mr. FURUSETH. I will get to section 4283. On page 116 of the navigation laws—at least the issue that I have here—under the heading of "Liability of owners, masters, and shippers," section 4283 of the Revised Statutes, reads:

The liability of the owner of any vessel for any embezzlement, loss, or destruction by any person of any property, goods, or merchandise shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing lost, damage, or forfeiture done, occasioned, or incurred without the privity or knowledge of such owner or owners shall in no case exceed the amount of the value of the interest of such owner in such vessel and her freight money then pending.

That is the first proposition.

Mr. EDMONDS. Now read section 3 of the Harter Act, right over there on the next page.

Mr. FURUSETH. Section 3 of the Harter Act reads as follows:

If the owner of any vessel transporting merchandise or property to or from any port in the United States of America shall exercise due diligence to make the said vessel in all respects seaworthy and properly manned, equipped, and supplied, neither the vessel or owners, agent, or charterers shall become or be held responsible for damage or loss resulting from faults or errors in navigation or in the management of said vessel, nor shall the vessel or her owners, charterers, agents, or master be held liable for loss arising from danger on the sea or other navigable waters, acts of God or the public enemy, or inherent defect, quality or device, of the thing carried, or from insufficiency of damage on sea, under legal protest, or from loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save lives or property at sea, or from any deficiency in rendering such service.

Mr. MILLS. Well?

Mr. FURUSETH. There you have got it.

Mr. HARDY. Does that mean that if the vessel is equipped in compliance with the requirements of the law, then the vessel is not responsible for any loss or damage?

Mr. FURUETH. Exactly.

Mr. MILLS. Does it? She is still responsible for negligence, is she not?

Mr. FURUETH. No. He is responsible for his own negligence, but if he has equipped her and manned her in accordance with the law made by Congress, or under the regulations made by the inspectors, under the power conferred upon them by Congress, having done all that the regulations or law requires, he has no responsibility left except this: That if there is an inherent defect in the hull, then the Supreme Court the other day said that he still has got liability, whether he knows it or not, if there is an inherent defect in the hull, the Supreme Court said he is still liable.

Mr. MILLS. You claim he is not liable for the negligence of the officers?

Mr. FURUETH. He is not liable for that, because the law specifically says that the passenger or shipper may sue the officers of the vessel for any neglect on their part, not the owner. Gentlemen, the shipowner has shed every responsibility to the traveling public, every responsibility to the shipper, every responsibility to anyone of that kind. He was once responsible for all these things. The law says that he shall be responsible to the extent of the part he owns in the ship, but I tell you that by corporation organization they have organized themselves clean from all that responsibility, so that they have absolutely no responsibility. And here is where you have got it: Get as many people as you can on board the ship, get as little crew as you possibly can, and as cheap as you possibly can. Send her out on the sea or on the Lakes, and if she gets in, that is because God is good. If she does not get in she does not allow us anything.

(Whereupon the committee adjourned until Saturday, May 7, 1921, at 10 o'clock a. m.)

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,

Saturday, May 7, 1921.

The committee met at 10.30 o'clock a. m. Hon. William S. Greene (chairman) presiding.

The CHAIRMAN. You may proceed, Mr. Furuseth.

STATEMENT OF MR. ANDREW FURUETH—Resumed.

Mr. FURUETH. Now, Mr. Chairman, one of the very important things in this bill is the question of the able seamen, and I want to state I have a book here, written by Frank T. Bullen, of England, who used to write in the interests of the Shipping Federation of England. It is entitled "The Men of the Merchant Service." I never knew him, never heard anything about him, until I got hold of the book. Here is what he says about the able seaman:

An able seaman, properly so-called, is a skilled mechanic of great ability. On sailing vessels his place, in calm or storm, never can be adequately filled by the unskilled, however numerous, nor on steamships in emergencies.

In the last hearing, when this bill was passed, there was put into this record what the rest of the nations do with reference to able seamen. Among the things we put in were the laws of New Zealand.

Australia, England, and Germany. Germany and England were, of course, at that time the biggest seafaring nations. Now, Germany has a law under which the employers of labor pay a certain amount for taking care of the injured; the country, that is, the nation, pays a certain amount, and the men themselves pay a certain amount; but the largest amount comes out of the shipowner, in case of ships, or out of the factory owner in case of a factory. They have a right under this law to make regulations as to how men shall act, what skill they shall have, etc. And the German shipowners, of their own volition, looking after their own interests, provided that an able seaman shall be a man with four years' experience. They divide them up into able seamen; second-class able seamen; that is, seamen under the regular age; ordinary seamen, of a less wage; young men who have a little experience and little less wage, and the boy the least. So that it goes from boy to young men, then to ordinary seamen, who is a seaman at less pay, and then the full able seaman. That is the way they divide them in Japan and in Germany. Now, then, the shipowners, acting for themselves, looking after their own interests, adopted this thing, which it would take some little time to read so I simply explain it, to the extent that I say they themselves provided and they themselves enforce provisions of that much experience.

MR. MILLS. What is that pamphlet?

MR. FURUETH. This pamphlet is "Involuntary servitude imposed upon seamen; synopsis of hearings before Committee of Commerce, of the United States Senate, Sixty-second Congress, third session." The hearings themselves fill a book about like this [indicating]. Now, in order that they would get the meat of this thing the shipowners made a synopsis and we were asked to make a synopsis—the seamen. We went through that thing and picked it out and made a synopsis, and then submitted it to Senator Nelson, Senator Burton, and so on. They went over it and, after going over it and examining it, they published it in the United States Printing Office, at the expense of the Government.

MR. HARDY. Is it a numbered Senate document?

MR. FURUETH. No; it is just what I said; it has not a document number. It is a synopsis of the hearings, and it contains the strongest things that were said by the shipowners and the strongest things that were said by the seamen, on both sides, and put in juxtaposition to each other, so that you read the one and then you read the other, and also a comparison of the American law with the laws of foreign Governments. And, by the way, I want to call your attention generally that there is a pamphlet issued by the Government of the United States, Special Series No. 114, issued by the Bureau of Foreign Trade of the Department of Commerce, in which the laws of five nations are compared. It was done officially; we did not know anything about the book until it was out.

MR. BANKHEAD. Of what five nations?

MR. FURUETH. Japan, United States, Norway, Germany, and England.

MR. MILLS. Is that by the Department of Commerce?

MR. FURUETH. Department of Commerce: Special Series, No. 114. And it compares the laws of the United States with other laws. I wanted to call your attention to the importance of the able seamen, that is all.

Now, I come to the question of what is the situation with reference to the seamen. Is the seaman's work very dangerous work—is there any danger at sea, or is there not? And in order to give you that information I will give to you the best that has been published in the world on that question. It is published by a priest or minister in England, called Father Hopkins. It is in a book called the Seamen's Friendly Society of St. Paul and Our British Mercantile Marine. Now, gentlemen, here is a black streak about 3 inches long. That represents the seamen that die in the service. The next black streak represents the minors; the next represents the factory operatives; and the fourth represents the railroad men.

Mr. BANKHEAD. During how long a period, Mr. Furuseth?

Mr. FURUSETH. In a year. It is a comparison between the dangers of going to sea and these other occupations.

Mr. HARDY. It is a percentage comparison?

Mr. FURUSETH. This is all percentages.

Mr. BRIGGS. You mean those different black columns to which you refer, of the different heights, show the gradations, emphasizing the loss of life by the seamen.

Mr. FURUSETH. Exactly.

Mr. BANKHEAD. That is in Great Britain?

Mr. FURUSETH. That is in Great Britain.

Mr. BRIGGS. What are the percentages? Have you the figures there? Just put them in the record.

Mr. FURUSETH. I will tell you what I might do; I might take a certain amount of this and put it in the record.

Mr. BRIGGS. How much of that do you want to put in the record?

Mr. FURUSETH. I would say about two pages.

Mr. BRIGGS. Is that all right, Mr. Chairman?

Mr. CHINDBLOM. To what does it relate—losses on the ocean?

Mr. FURUSETH. Losses on the sea and ocean in England and Great Britain—losses at sea in Great Britain.

Mr. CHINDBLOM. What do you think that proves in regard to losses on the Great Lakes?

Mr. FURUSETH. Well, we have no such inland seas in Great Britain as the Lakes. There is only, in all Europe, a single lake which has any size compared to the Lakes here in America, and that is Lake Onega in Russia.

Mr. CHINDBLOM. That being so, does it prove anything regarding conditions on the Great Lakes?

Mr. FURUSETH. It proves—first and foremost, we contend that the Lakes are dangerous, and we do not ask you to argue that question with us, or the shipowners. We say go to the Weather Bureau and get the record, go to the Government and get the records of losses they maintain either in the Weather Bureau or in one of the departments. We tried to get them but we could not get them because they are too mixed. We have a blessed condition here in which four or five departments duplicate each other. We are trying to get away from that now. At any rate, I am presenting this and trying to show you the importance of the able seamen.

The CHAIRMAN. Everybody knows that.

Mr. FURUSETH. All right.

Mr. CHINDBLOM. I want to say this: I want you to get everything in the record you think it necessary to make your case, and if you

think this is necessary to go in the record to make your case, I have no objection. But let us not make the record so long and cover so many subjects that it will discourage a close examination of the real issue.

Mr. SCOTT. Is this the part you wish to go in: The total number of deaths of seamen reported for the year 1912-13 works out at 1 death in every 121 seamen employed. Deaths by injury (accident or otherwise), totaled 1,069, or 1 in 225. Deaths from diseases, 920, or 1 in every 261. Is that what you wanted?

Mr. FURUSETH. Yes. Those are the things just as you have got it there. Now, then, I want to call your attention to the question of the actual interest that the shipowners, the traveling public, and the seamen have in safety and where we are on that question. And I am not now talking for myself; I mean to say, I am not going to quote anything I have said.

The CHAIRMAN. Does this relate to the ocean at large?

Mr. FURUSETH. It relates to everything, because the laws of the United States about loss and responsibility are the same on the Great Lakes as on the ocean.

The CHAIRMAN. All right. Go ahead and get to your meat as soon as you can.

Mr. FURUSETH. This is the meat now I am giving. This is the statement made by Joseph Chamberlain, president of the British board of trade in the struggle to improve the conditions of safety of British ships, quoting again from the book by this same man, Rev. Charles P. Hopkins. And here is what he says:

Bear in mind, when a ship is lost the shipowner may make a profit, the owner may get more than the value of his ship; the merchant may lose nothing, but may, and very often does, get more than the value of the cargo back. In the same way the underwriter averages his losses, and on the whole makes a profit on the insurance of the ship out of his premium.

That is from a statement made by Joseph Chamberlain.

Now, I am coming to the actual conditions of safety on the Lakes. Comparing the law as it passed with the law as it was before—I read some of this yesterday.

The CHAIRMAN. Do not repeat it to-day, then.

Mr. FURUSETH. Oh, no; I am trying not to repeat.

On the ocean, going more than 20 miles from shore, 75 per cent of lifeboats, 25 per cent of rafts, for the maximum number of persons on board.

That is marked "1." That corresponds exactly to what the law was on the other side, as follows: On the ocean, 50 per cent of boats and 50 per cent of rafts to accommodate all persons on board—a difference of 25 per cent of boats.

2. On ocean vessels going less than 20 miles from shore, from September 15 to May 15, 25 per cent of lifeboats and 25 per cent of rafts for all persons on board. From May 15 to September 15, 35 per cent of boats, 35 per cent of rafts, and 30 per cent without either for the maximum number of persons on board.

The law was this:

On the ocean within 20 miles of shore, from May 15 to September 15, 20 per cent of lifeboats, 40 per cent of rafts, and 40 per cent of neither.

In other words, as I put it yesterday, there was an arrangement under which 20 per cent had some chance to be saved in a boat, 40 per cent had some little chance to be saved on a raft (and I shall

explain the raft to you in a minute), and 40 per cent were authorized to be drowned. There is nothing remains to be said.

3. Vessels on the Lakes, from September 15 to May 15, 75 per cent lifeboats and 25 per cent of rafts for all persons on board.

Mr. HARDY. That is the seaman's law?

Mr. FURUSETH. This is the seaman's law. From May 15 to September 15, 20 per cent of lifeboats, 30 per cent of life rafts, and 50 per cent of neither—that is, neither rafts nor boats. In other words, you have here boats to save 20 per cent of the people on board, rafts to save 30 per cent of the people on board, and nothing to save the rest.

Now, then, what was the law before? On the Lakes, bays, and sounds from October 15 to May 15, 25 per cent of boats and 75 per cent of rafts for the number of persons on board. Now, from May 15 to October 15, $7\frac{1}{2}$ per cent of boats, $22\frac{1}{2}$ per cent of rafts, and 70 per cent of neither. In other words, 70 per cent were authorized to be drowned.

4. On the Lakes, bays, and sounds, in waters within 3 miles of shore or over waters not deep enough to submerge the entire vessel, the number of boats and rafts is left to the discretion of the Inspection Service. That is the seaman's act.

Let us see what it was before. From May 15 to October 15, within 3 miles of shore or over waters whose depth is not sufficient to entirely submerge the vessel, $3\frac{1}{3}$ per cent of boats, $6\frac{2}{3}$ per cent of rafts, and 90 per cent of nothing.

5. From May 15 to October 15, if equipped with wireless, navigating in daylight only and not more than 10 miles from shore, $3\frac{3}{4}$ per cent of boats, $11\frac{1}{4}$ per cent of rafts, and 85 per cent of neither. In other words, with no liability to the traveler, under any law, exempted specifically by law from any liability, if they carry out the inspection rules or the law—if they follow them and carry them out; and it is almost impossible to prove that they did not afterwards because the vessel is gone, the testimony is gone. If they can prove it or, in other words, if nobody else can prove that they did not, the presumption is that they did have these things and there is a limitation of liability and there is nothing that can be collected. Now, mind you, there is $3\frac{3}{4}$ per cent of boats and $11\frac{1}{4}$ per cent of rafts, making 10 per cent of the total.

Mr. HARDY. No.

Mr. FURUSETH. Fifteen per cent, it amounts to. Now, the others have no chance; they have to take their chances. And of course people did not know these things until it was exposed in these hearings, and then they read the newspapers about it; then the *Eastland* capsized, and they read the newspapers about that. And the shipowners are wondering why their passenger traffic has fallen off.

Now, then, this bill proposes to cut in two what is provided in the seamen's act, and then it proposes to take away the only man who has any skill at all to handle boats and rafts and things of that description. I do not say that they have the skill. They have not got the skill that they should have, but we have done everything we could to raise it again. But when you are going in one direction for 60 years to destroy skill, you can not lift that body up in a year or two, particularly if the mud sailors have got to do it alone.

Next is the question "Is it necessary to have any experience." The Member from New York (Mr. Mills) asked the question if a man can rig a jury rudder, if a man can steer in all kinds of weather, if he can handle tackles that lift heavy weights, if he can lower with

tackles heavy weights—if he has experience to do that kind of thing and an actual examination shows it can be done, would you accept it without any time of service. I say unhesitatingly yes; because no man living could learn those things except through experience. One of the brightest intellects—Dana—in his time wrote a book, “Two Years Before the Mast.” And he tells you in that book that after two years he is not an able seaman; he does not consider himself such.

Of course, if you had to have able seamen on board of steamers at all times, as you had to have on board of sailing vessels, why your vessels would be lying at the docks. But you have not got to have it at all times, and God is good; he does not send disaster every day.

The question was asked yesterday as to the date when the *Empress of Ireland* went down in the St. Lawrence. It was May 29, 1914. The *Empress of Ireland* and the Norwegian collier *Storstad* had a collision. A gale started to come up and there was a heavy squall and the *Storstad* rammed the *Empress of Ireland*. Help was within two hours and came within two hours. She was less than 3 miles from shore—not over 2, so far as I can find out, but in order to be absolutely sure, I say not more than 3. And yet they picked up at the time 1,027 dead with life belts on them—in the month of May.

Mr. BANKHEAD. What year was that, Mr. Furuseth?

Mr. FURUSETH. 1914.

Mr. GAHN. Was that on the Lakes?

Mr. FURUSETH. It was in the St. Lawrence River, which is not out on the Lakes by a long ways.

With reference to the number of vessels lost on the Lakes, I can not go into that thing because I do not know absolutely, and it is very difficult to find out, but the Government can furnish it to you if you insist upon it. You can get it either from the Weather Bureau or from the Life-Saving Service—that is, from the Coast Guard; and there are certain people that keep that record—the Weather Bureau, for their own selfish interest, to show the usefulness of the service, and the Life-Saving Service, to show that they are useful. And then the law provides definitely that disasters shall be reported to the Steamboat-Inspection Service, on the one hand, and to the collectors of customs, on the other, and the Department of Commerce is in some way to fix it up. So that you can get that.

One thing more. There has been a question raised here, and a very serious one, as to the number of vessels that have changed from the American flag to the Canadian flag in the last four years, and there has been discussion backforwards and forwards that has taken up time. And I want to say to you that you can get that very shortly, because in a law passed by Congress no vessel can be passed from the American to any other flag except by permission of the United States Shipping Board. So, if you will send a request to the Shipping Board for any transfers of that kind that have taken place on the Lakes and want to know what kind of vessel it is, what their employments were, their age, and everything about them, the United States Shipping Board will furnish you with that, because they must have the record of it if they have obeyed the law, and I presume they have.

Now, on the question of steering, obtaining men for steering. I came from the shore; I had never been on salt water and had never

been on any large amount of fresh water larger than you could shoot an ordinary gun across, a rifle. But I could pull a pair of oars in a skiff when I went to sea. On the fifth day I was at sea I was at the wheel, steering by myself. I was at the wheel standing alongside of a man before that, who was showing me how, but on the fifth day I steered by myself while the wheelsman went somewheres and the officers of the vessel were down getting their dinner. Steering in ordinary, nice weather is a granny's work. My sister can learn to do that in short order in fine weather. But I have been on board of a vessel with 16 men before the mast, where there were only three of us who could steer in bad weather, and I was 11 hours at that wheel, steering a vessel in a gale of wind, when I had the life of every man in the pit of my hand. A little bit of a mistake would have thrown the vessel in the trough of the sea, and she would have gone down and never been heard of. I was only one of three that could steer her under those conditions. And when I was relieved I dropped like a log. The captain picked me up and hollered for a glass of whisky and poured the whisky down between my teeth, and I went forward. We had been working about 36 hours trying to save the ship, and I had been 11 hours at the wheel. When I was at the wheel I looked back over my shoulder, and the captain must have noticed I was young, and the captain said, "Don't look back," because the seas were coming, and, of course, it was a question of my losing my nerve.

If I did, we were gone. I smiled at him and said, "No danger, Captain; I won't lose my nerve." And there I stood constantly for 11 hours this way at that wheel, this way [illustrating], playing with her, feeling that I had all the lives of those people in my hands, and feeling so proud of it that in all my life I have never spent another minute with the pride and selfconsciousness I then knew. I learned in those 11 hours why the seaman in olden times was entitled to the golden spurs and was placed in the highest regard of all working people. So much for that.

Examinations I have dealt with, except the question was asked, What about doctors, dentists, lawyers, engineers, and so on—are they not compelled to go to school and then to serve a certain time at their regular work they are going to do in the world, and then when they have done that they are permitted to come and take an examination? Why, certainly; that is the law of every civilized country. Now, then, let us take the officers of the ship. Under their rules no man is permitted to take an examination as second or third mate until he has been three years at sea, on deck, before he can come up for examination at all. They would not consider him; he has to furnish the proofs, absolute and unquestioned proofs, that he has served 36 months at sea before he can be examined. Of course, during the war all that was dropped out a little, but now it is coming back. Engineers may be for years in the machine shop, but they are not permitted to take an examination as marine engineers. They may be machinists; they may know how to build engines and how to set the engine up, but they are not permitted to take an examination as marine engineers in less than, I think, 12 months, if they have that much skill before, and about three years otherwise. So that every nation that has everything to do with maritime business, every nation that wants to have any share in the maritime commerce of the world

or wants to have any sea power with which to protect its coasts necessarily must have skilled men, no matter what the shipowners may say. If the United States does not want it, we can not help it.

There are just a few words here that I want to put in that I think are of very considerable importance. As I said yesterday, I have spent 35 years burning the midnight oil to find out some of these things. I have had to do it, because I wanted to find out why it was that the seaman had become the absolute scum of human society. I had to study, and I found this, as the result of history, and I have put it to dozens and dozens of men, hundreds of them, scholars and historians, and here is what it says, and they all agree that it is absolutely the law of history:

Sea power is in the seaman. Vessels are seamen's tools. The tools ultimately belong to the nations or aces that know how to use them.

It is as absolute as the law of gravitation. Sea power has passed from race to race and country to country in all historical periods, and upon those laws absolutely.

Something about the raft. The shipowner says, "Give us small rafts so that the people can throw them overboard themselves." What is a raft for? How is it made? Two or three tubes, with a network of wood between them. The tubes are the things that keep it from sinking. Around the raft are ropes. It is not intended that a man should lay on the raft or sit on the raft. He can not do that. It is impossible in heavy weather. It can not be did. So the ropes are around there for the purpose of hanging onto the ropes, and then the raft is such that it keeps you up.

Now, then, when you get a raft overboard, people have got to jump over to get on it or get to it, because there is a gale blowing. I am not talking now about perfectly smooth water. If the water is smooth, it would not make much difference if a man or a full-grown woman, reasonably healthy, is in the water for a little while. That will not make such a terrible difference, but you have got children to deal with, too. Now, then, when there is a gale on—and it does not need to be much, 40 or 50 miles—it kicks up the sea, and that turns the raft over like that. The sea takes hold of the raft and swings it over, and you go off, and you get underneath. Now, you hold onto these ropes, and the larger the raft is the less chance there is of the raft turning over, and the more chance you have got of somebody hanging on and somebody staying on. The shipowner comes here and tells you that rafts are better life-saving appliances than boats. The shipowners in Europe, at the conference on safety of life at sea, told us that, and they adopted a certain amount of rafts, in spite of the fact that all the seamen stood for boats for everybody, and the British House of Commons at that time had urged that there should be boats for everybody on board. That terrible man, the Emperor of Germany, did the same thing in Germany, as the result of the *Titanic* disaster, and so did every nation do it.

Now, they say rafts are just as good and better—75 per cent of boats and 25 per cent rafts. And after they had determined this thing I said, "Then, gentlemen, of course, since the raft is a better life-saving appliance and a safer thing, of course you will not have any objection to the crew doing exactly what they did on the *Cau-*

casian and what everybody in the Nordic race is supposed to do—'women and children first.' You will have no objection, then, to the women and children being put on the rafts, and the sailors, firemen, and males in the forward end of the ship taking the boats." I said, "You say it is better and safer, and the rule with us is not like it is with the Chinese. The rule coming from the northland somewhere in the ancient times is 'women and children first.' That is where England got it. That is the rule of the sea—on lake and ocean—and the highest duty of the seaman. Under your testimony, under your decision we are not only perfectly justified, but we are in duty bound to take the boats and give the rafts to the kids and the women." Well, I was only a sailor, you know, and it did not make much difference, so they put on 25 per cent of rafts and 75 per cent boats. But I read how many boats you have got here and how many rafts. Now, they say that a raft shall be of a certain size? Why? Because the shipowners come and say, "Cut it down again so small that somebody can pick it up and throw it overboard."

I wish I had been on board a vessel with one of you gentlemen, and you had had your children with you, under the experiences such as I have gone through in my time. Would you stand there and throw your child down on that raft? Of course, I can conceive of the possibility of a man doing that with his wife. But it is the same rule in Europe as here; and again I want to say that it is the International Shipping Federation (Ltd.), with headquarters in London, that is telling the English shipowners what to do, the Norwegian shipowners what to do, and the American shipowners what to do, and the shipowners come to you—the legislators and the Government—and they put their smoke screen between themselves, and you gentlemen get it. Here is the terrible trouble: England thinks that she might have to retain her supremacy on the seas by using the citizens of the foreign nations to destroy the sea power of those particular nations.

Now, a word with regard to the union and I shall be through: The Seamen's Union of America it was called until we started——

MR. BANKHEAD. Mr. Furuseth, if you will pardon me, with the permission of the chairman, before you get off the subject of the likelihood of accidents, there has not been much discussion here in regard to the likelihood of danger from collision and from fire. The discussion has been devoted mostly to the question of the weather on the Great Lakes. Do not those elements enter into it?

MR. FURUSETH. Thank you very much, because that gives me another opportunity. I would have dropped it, if you had not reminded me. I did not think of it. While this seamen's act was under discussion in the United States Senate there came over to my office in the morning the story that shook the whole world. A ship was on fire in the middle Atlantic in a gale of wind. There was not a chance to get a vessel called in by wireless. They hovered around her. They tried to launch her boats, and the English ship that launched her boats had to sail around and pick up the boat because they could not do anything with her.

MR. BANKHEAD. What boat was that?

MR. FURUSETH. That was the *Volturna*. She was afire, and they could not get the people off. At last a Russian ship came along.

She lowered her boats, and she had such excellent seamen and boatmen that they got to the vessel first. They saved some of the people in that way before the gale was over, and then they saved some of them as the gale went down, before the vessel went down itself—burned. I not only know that from the descriptions, but the chief engineer on that vessel is the son-in-law of Mr. Wilson, the President of the British Seamen's Union, and when I met him in Wilson's home we talked about the *Volturna*, and he told me all about it, and the conditions were worse than had ever been published.

Mr. HARDY. What case was that where we gave a medal to the officers of a foreign ship for saving lives in some disaster? Do you remember?

Mr. FURUSETH. I do not remember that instance. I think the officers of the *Kroonland* took part in that.

Mr. HARDY. Yes; the officers of the *Kroonland* were mixed up in that and they got the medal. It was presented by Congress to the officers of the *Kroonland* on account of the assistance they had given to the sinking vessel, and their skill in saving lives.

Mr. FURUSETH. Yes; the *Kroonland* did good work.

Here on the Potomac, while this bill was under discussion, two vessels took fire, down on the river here, and it was all they could do to manage to get the people off and get them on the beach. That is to say, they ran the vessel on the beach, of course. You know the story in the poem that he held her nose to the beach until every galoot was ashore. That is the case on a river. We are not asking for any lifesaving appliances or anything else for the river, because there is usually an opportunity to jam the nose of the ship or vessel into the bank. Somebody has got the guts to stay at the engine and stay at the wheel, and they stay there and the people are saved if they can be saved at all, and it is much easier to save them in the river. But it is an altogether different proposition to jam a vessel on the east shore of the lake, where you have got a 10, 15, 20, 100, or 150 sweep of water on the sea coming across. There is no chance of living in the surf on that beach. So that being close to shore is a very great disadvantage under certain conditions.

The secretary of the Shipowners' Association of New York, Mr. Britten, who stood at the end of the table in the Senate Office Building, said, "For more than 20 years we have run these vessels at railroad speed, that is from railroad terminal to railroad terminal, to catch up in time, in rainfall and sleet, and we have never had an accident." Well, he was tempting the Creator, evidently, because one of his vessels went down in an accident within two months after he had given his testimony, and the other vessel belonging to the Merchants and Miners went down, and they lost a lot of human lives, and there was an investigation and all that kind of thing. Collisions? Why of course.

A captain from the Lakes was testifying in regard to a collision of his own vessel, and before a judge, some four, five, or six years ago. If I had had the time I would have tried to find the decision, but it can be found. There are some sailors, you know, that can tell the truth. Sailors really are not supposed to tell the truth at all, and seamen before the mast are so stunted by their status that nobody is supposed to believe them. You who are lawyers and have

studied maritime law know that is the philosophy of it. But this captain evidently forgot all about the rest of it, and he told the judge the truth, which is this: "My instructions were to make time, to run at the same speed in the fog or any other kind of weather, if the vessel was late." And the judge, in summing up the case, just simply let the world know his opinion of the men who gave that order.

Gentlemen, I have been on board a ship, and so has every seaman that has traveled at all, where the order from the bridge was full speed ahead, and she was simply jumping away with all there was to her, going with all the speed she could, because she had to get to hell, heaven, or New York in six days. That was the order. I have been on board that kind of vessel as a sailor and as a passenger. Collisions? There are plenty of them. And when the collision comes somebody has got to save the people that are in the water, even on the Lakes.

While this bill was under consideration a passenger vessel on the Lakes took fire out on the Lakes, and the captain was a pretty hard-headed, real sailor. He ran her toward the shore as fast as he possibly could and jammed her clean into the wooden wharf in Chicago. He ran her clean into the wharf as hard as he could, and stuck her there and saved his people.

You provide life-saving appliances for men in buildings, and you provide certain exits from public buildings. The exit from a ship, gentlemen, is into the water, unless you have got a boat to go in, and a boat is absolutely no use to you unless you have got a man who can handle it, and a man does not learn that thing in half a day, or in half a year, or in a year. It takes an extraordinary man to learn that thing in three or four years.

The standard of skill set by this bill is not high at all, and it is not absolute, because if a man has not the skill he is supposed to have, or reasonably supposed to have, it is the law of the United States, it is the law of every nation, that it is the master's right and the master's duty to reduce his rating and pay in accordance with his demerit.

Mr. HARDY. I want to ask you one question. There is a contention that the requirement of two watches for sailors at sea should be abandoned if the run is under 8 hours, or 12 hours, or 16 hours. The seamen's act did not make any limitation at all, but required that there should be two watches of sailors while at sea. Will you give us the reason for not putting any limitation requiring two watches at sea, and also whether that would require, if a boat took only one trip of four hours—whether it would require two watches or not?

Mr. FURUSETH. If she were to make only one trip, the idea was this: If the boat is making only one trip, taking, say, four or five hours—that is an imaginary boat, of course, unless it be a sand boat—but if she is making that kind of a trip, four or five hours, then, of course, there is no necessity for two watches aboard that vessel.

Mr. HARDY. I just want to make it plain what I am getting at. This bill, after all this discussion, did not provide any time limit or make any requirement of two watches for sailors while at sea.

Mr. FURUSETH. That is right.

Mr. HARDY. I want to know why we did it?

Mr. FURUETH. Because a sailor is supposed to do any kind of work in port that he is ordered to do. He stays on the vessel. You are providing for watch and watch at sea and nine hours in the harbor, and that is necessary in almost every vessel afloat. But this bill does not apply to harbors or rivers.

Mr. HARDY. What I want to get at is this: Is it a fact that there are very few vessels that run only 4 hours in the 24?

Mr. FURUETH. I do not know of any myself. If she runs four hours, two hours one way and two hours another, or four hours one way and four on another, that is four hours one way, and she gets back the same day, and that makes eight. If it is two hours, she makes more than one trip or more than two trips, sometimes three trips. She is a kind of ferry.

Mr. HARDY. As I understand it, there was an illustration given here of some ship that required 55 minutes, and I think they said that she performed five of those round trips a day.

Mr. FURUETH. Yes.

Mr. HARDY. I have forgotten where that was.

Mr. FURUETH. That was from Buffalo to Crystal Beach. She is a ferry.

Mr. HARDY. Would it be any easier on the crew to make those numerous trips than it would be to make one continuous trip?

Mr. FURUETH. It is harder on the crew to make those numerous trips than to go right along; it is harder on the crew.

Mr. HARDY. So that if this law established a two-watch system for the firemen, where the vessel was making a 55-minute trip, and then returning, and then another 55-minute trip, and they were working from early morning until 12 o'clock at night, would that be any easier on the firemen by reason of the shortness of the distance?

Mr. FURUETH. Not at all; it only gives them more work instead of less.

Mr. HARDY. And if the law made no requirement, then it would be left to the vessel owners' discretion?

Mr. FURUETH. Then the vessel owner would simply work those men 12 hours in 24, or at least 84 hours a week, and he would work the sailors that way, and if there were no other requirements, he would pick up anybody from anywhere—the jails included—because he has done it over and over again.

The CHAIRMAN. Now, will you kindly finish your statement?

Mr. FURUETH. Now, I was going to say a few words about the union, in order to clear up the misunderstanding. Our organization is called the International Seamen's Union of America. It is called international because we have got branches in Canada—two of them. That is all we have got now. We had three. We went over to Canada before the seaman's act was passed for the purpose of trying to equalize the wage cost, to raise the Canadian cost up to the American cost, so that the American shipowner on the Pacific would not be at a disadvantage in the trade up there. That is the only reason it is called international.

It is made up of three groups, which are, for the purpose of technical things, independent of each other, the sailors, the firemen, the oilers and water tenders and the stewards, cooks, and waiters. We

are supposed to work together, if it is possible, and we try to work together when we can, and that is all there is to that. Sometimes we do and sometimes we do not. We are too human to be absolutely what we ought to be at all times.

Now, from the time that I first came here before the Committee on Merchant Marine and Fisheries in 1894, the union has stood absolutely like a rock for American interests and to get the Americans to sea. I am a citizen and have been a citizen a great many years. Gentlemen, put the American to sea, put your own people to sea. I have spent over 40 years here. I came to New York to get away. Put the Americans to sea and I will help kill the seamen's organization and I will go away forever. The union is a means to an end; it is not a job trust, not a padrone system.

Now, then, you say we have affiliations with the foreign unions. Yes. We first joined the transport federation in Europe in order to have an opportunity to go and ask for the improvement of the seamen's condition, to abolish imprisonment, to give the same laws to the seamen that other human beings have had for more than two generations, now, even the Negro. Well, I could not get them to listen to me in the first convention at Vienna. We paid our money to go there and plead with them. Some of them laughed at me, labor men, or supposed to be. Socialists! Oh, yes; great Socialists! I do not know what they are anyway. At Copenhagen two years later they passed a resolution favoring it and never did anything. Then during the latter part of the war the Scandinavian seamen, Denmark, Norway, Sweden, and England, came together in what they called the seafarers' confederation. They were meeting in London while the peace treaty was being considered in Paris, and we joined them. What for? To get the foreigners to come here? No; to get the condition of the foreigners such that they would not come here. That is what we were there for, to raise the wages and improve the conditions in Europe so that each man will sail in his own nation's ship, and give to the United States a chance of competition, and if the seamen's act was enforced there would not be 3 per cent difference between the wages now, even between Japan and the United States.

Three of the main features of the seamen's act have never been enforced. You know something, gentlemen, of fire brigades in cities. Suppose you had a fire brigade in one of your big cities, in which the captain and his lieutenants spoke one language and all of his crew spoke another language, and some one man or two men or three men in the whole force should be there to translate the orders from the officers to the crew, or the requests from the crew to the officers. How long would you stand for it? You would not stand for it for two minutes, in a city, and yet you go aboard their vessels to go across the ocean in which that is the situation. You go on the Lakes, in which that is the situation, because there is nothing to hinder the Lake vessel owners from sending to Spain for men. They have manned their vessels with Spaniards, Greeks, Portuguese, and Italians on the Lakes before, and, by the way, the Goodrich line, when the inspection service compelled them at last to put a crew on the *Columbus* so that there would be at least somebody to handle the life-saving appliances, they sent down on the Atlantic coast for 28 Italians. There is nothing to prevent them from doing that now,

and they are doing it, I suppose—I do not know, because I am not living on the Lakes. I am only taking what I can get from books, what I can get from reports, what I can get from the men, and what I can get from the shipowners when they talk.

Let me impress upon you again that our organization is there to improve the condition of the men so that the American will go to sea, and we have stood for such legislation so that the foreigner would be compelled to pay an equal wage and have an equal cost of operation with America, and thus give America a chance. And we had it practically, up until the terrible upheaval in the values of the money of the different countries.

Will you excuse me for just saying something more that will explain to you more absolutely what our organization stands for? We asked, in the conference between the shipowners, the unions, and Admiral Benson, "Will you give the first chance of shipping to the American citizen?" I know there are two of them; there is one naturalized, and there is the native born, one by choice, and one by accident. I said, "Will you give primary employment for ratings they can fill to American citizens, and then, if there be not enough, to those who have taken out their first citizenship papers, and treat them according to their seniority?" He hesitated, as you will find in this pamphlet here, and the shipowners said, "No." If they had been willing to do that, we would have dropped everything else. What would have been the effect on the union doing that? In all probability, it would be reduced from 108,000 to probably 8,000. But if the Americans can go to sea, then the Americans themselves will deal with that question. They have relatives and friends in the vicinity they come from, and they can bother their Congressman and Senators with letters from their relatives explaining their condition, and you will believe them, whereas some of you, I think, think you have some good reason for not believing such as me because I am a homeless, kinless loon. That is all.

We offered that, and they turned it down. Get the condition of the seaman so that he can live, and the condition of the vessels and of the seamen so that there is some reasonable safety, and you will never see my face again, you will never hear from me any more. I am not working for the few dollars that I get. I get no more than is necessary to dress me as I am dressed now, eat coarse food, and spend money on books and tobacco. That is all I want, and when I can not get it, I know how to finish it all.

I thank you, gentlemen. I am ready to answer any questions you may put to me.

MR. SCOTT. I only want to ask you a couple of questions. At the opening of your statement you said, if I understood you correctly, and I hope you will correct me if I did not understand you—you commented on the decision of the Supreme Court, and identified it as what is commonly known as the *Arago* decision.

MR. FURUSETH. Yes; that is what we called it; *Robertson v. Baldwin* is the official title.

MR. SCOTT. And then you supplemented that by saying that there was some injunction by the court that you would not obey. Did I understand you correctly?

MR. FURUSETH. Yes; there are some injunctions that I would not obey; yes, sir.

Mr. SCOTT. Legally issued by a court?

Mr. FURUETH. No; if it was legally issued, no. Then I would obey it. I disobeyed an injunction on the Pacific coast a year ago, and I was called into court to show cause why I should not be sent to jail for contempt. The master took testimony. He went on what the lawyers call a fishing expedition. I told him I would not answer any more of his questions. The whole matter was referred to the judge of the Circuit Court of the United States sitting in San Francisco. He examined into the whole case and threw it all out. Just now they are trying to get an injunction against some seamen down in Baltimore. Judge Rose refused to grant it a few days ago. They have appealed again for an injunction. He told them that it was not equitable, it had not anything to do with property rights, and equity is for the protection of property rights, and he said there was not any interference with property right. Injunctions are not for the purpose of preserving income from property, but to preserve property. Now, if anybody says to me that I must not talk to my friend or to my neighbor, being a free man—or dreaming I am, at any rate—I talk to them nevertheless, and I take the consequences, and I find that that was exactly what the Americans always did.

Mr. SCOTT. Then, if I understand you correctly, there is a character of injunction issued by a regular court——

Mr. FURUETH. Sometimes issued; yes.

Mr. SCOTT. Sometimes issued—I will accept your language—there is a regular injunction sometimes issued by a regular court of record——

Mr. FURUETH. Will you please strike out the word “regular”?

Mr. SCOTT. Well, by a court, which you would refuse to obey, based on your own determination as to the merits of the controversy?

Mr. FURUETH. The way you frame your question reminds me of the question that is often put, “Have you ceased beating your wife”? If I say yes, I acknowledge that I have beaten her; if I say no, I am still beating her. The fact of the matter is that I never beat her, of course. That is the meaning of it. I never had any wife, so it does not apply to me, but that is the meaning of it. Your question is a compound question, in which you say a regular injunction issued under such conditions, and you ask me then, would I obey such an injunction? Now, it is not fair to ask me in that way. It is not fair to put me in that position, and it can not be done for any purpose except to prejudice the members of this committee. But I will answer you as well as I can.

Mr. SCOTT. I am willing to put my question in any shape that will comply with the statement you made voluntarily at the opening of your testimony. I do not know why you made it, Mr. Furuseth.

Mr. FURUETH. I made it to clear away, if I could, the prejudice that might exist in the minds of some members of the committee here because of the misquotation that had been made by the Boston Herald.

Mr. SCOTT. I think you had entirely covered that in the statement which you made at that time justifying the previous accusation of the newspapers, but when you opened your statement, if I understood you correctly, you said that there was a character of injunction issued by a court which you would never obey.

Mr. FURUETH. That is true.

Mr. HARDY. I am not objecting to this, Mr. Chairman, because I want to ask some questions along the same line, but, of course, it has nothing to do with the bill.

Mr. SCOTT. I understand that.

Mr. FURUSETH. I am not inviting this question. I do not know that it has anything to do with the bill, but I am not running away from it.

Mr. SCOTT. I understand.

Mr. FURUSETH. I would be mighty glad on another occasion, or if the committee wants it now, to go into the whole question of the use of injunctions. I did that before the Committee on the Judiciary twice, and the membership of the Committee on the Judiciary of the House of Representatives treated me with distinguished consideration afterwards, and four of them sat in the House for a whole night to see that the seamen's bill went through.

Mr. SCOTT. May I say that the sole purpose of my inquiry in that respect was solely for the purpose of throwing light, if possible, on the general situation. The gentleman, if I understood him correctly, indicated that there was a character of injunction which he would not obey, but it would naturally be based presumably on law, and now, if that was correct, he is coming before this committee asking for legislation which he desires to be obeyed.

Mr. HARDY. Mr. Scott, do you consider an injunction more sacred than a mandamus or any other order of a court?

Mr. SCOTT. I have always had a very sacred regard for the regular procedure. The minute you strike a blow at the jurisprudence of the country you strike a blow at the very foundation of our system of government.

Mr. FURUSETH. May I suggest to the gentleman that there is a fundamental distinction—he is evidently not a lawyer.

May I suggest to the gentleman that there is a fundamental distinction between equity and law, a fundamental distinction, absolutely fundamental, in law and in equity.

Mr. BANKHEAD. Mr. Chairman, this academic question might be very interesting, but I do not think it throws any light on the issue involved in this bill. I would like very much to conclude this witness's testimony, if it is possible, to-day.

Mr. HARDY. I would like to say, that as law abiding as I am, I believe courts might issue orders that I would not obey. Judge Lindsey is in jail now because he will not divulge a statement that a little boy made to him in confidence. If I were a physician and a confidential communication were made to me, and the court tried to make me tell it, I would not do it. If I were a participant in a crime, and were offered immunity upon condition that I testify against the principals, I would not do it. There are a number of orders that dictatorial courts may issue that a free man has a right to disobey. That may be anarchy, but I do not think it is. I think this has all been interjected into this hearing, not for any bearing it has on the bill, so I would like to discard the whole thing.

Mr. BRIGGS. The distinction seems to be between orders that a court has power to issue, and orders that a court has no power to issue, whether they are binding or not.

Mr. GAHN. But illegal orders can be set aside. There is a method provided for settling that.

Mr. BRIGGS. The question is whether they are void or voidable. In one case they are respected until the appellate court sets them aside. If they are absolutely void, the court has no power to issue them.

Mr. HARDY. I know of judges who have gone to jail rather than obey orders, and they would have stayed in jail if it had not been for the fact that the higher court was not as dictatorial as the lower court. There comes a time when a man has a right to take his freedom into his own hands, and disobey the order of dictatorial court.

Mr. CHINDBLOM. This subject was opened by the witness himself when he said that there were certain injunctions that he would not obey.

Mr. HARDY. Let me call the committee's attention to the fact that it was opened by the chairman of the committee by reading a publication in a newspaper, and the witness took occasion to answer the publication.

Mr. CHINDBLOM. But that publication was not before the committee, and did not have anything to do with this bill.

Mr. HARDY. It did not, but the chairman called it to the attention of the committee, and the witness took occasion to explain.

Mr. MILLS. Now, you dealt with the question of the respective merits of lifeboats and life rafts in case of accident, Mr. Furuseth?

Mr. FURUSETH. Yes.

Mr. MILLS. And you pointed out that in case of a heavy gale of from 40 to 50 miles an hour the raft would not be a very good safety appliance. Now, is it not a fact that in a gale of 40 or 50 miles an hour it would be almost impossible to get your passengers off in lifeboats?

Mr. FURUSETH. No; that is not the fact.

Mr. MILLS. Well, it would be a very difficult problem, would it not?

Mr. FURUSETH. It would be difficult, of course. That is the reason you need boats and skilled men.

Mr. MILLS. I call your attention to the report of the Committee on Commerce of the United States Senate, after the *Titanic* disaster, in which they say, on page 12: "Had the sea been rough, it is questionable whether any of the lifeboats of the *Titanic* would have reached the water without being damaged or destroyed."

Mr. FURUSETH. That is perfectly true, because she had a picked-up crew so unskilled that that would have been the result. But a large number of the boats could not be used anyway. She had boats to save about 1,100 people, but only 700 and some were saved. In other words, because of the lack of skill of the crew, in spite of the smooth water she lost 400 people that she had no business to lose at all.

Mr. MILLS. That is not the opinion of the Senate committee that investigated the matter very thoroughly, because they go on to say—I am not going to assert that she did not have enough life equipment, and that there was not great confusion, because they found that, but they say that all of the lifeboats could not have been lowered in the heavy sea, for the following reasons: "The point of suspension of the *Titanic* boats was about 70 feet above the level of the sea. Had the ship been rolling heavily the lifeboats, as they were lowered, would have swung out from the side of the ship as it rolled

toward them, and on the return roll would have swung back and crushed against its side. Every effort should be made to improve boat-handling devices and to improve the control of boats while being lowered."

Now, as a matter of common sense, is it not a fact that in a heavy gale, heavy enough to sink a modern passenger ship, it would be a very difficult proposition to get off 500 or 600 passengers in lifeboats?

Mr. FURUETH. Of course, it is difficult, but it is done.

Mr. MILLS. Could it be done?

Mr. FURUETH. Yes; unquestionably. If you could not do it in a 50-mile gale, the boats would not be worth anything at all.

Mr. MILLS. Well, they might be. Now, let me ask you another question, whether you know of any passenger vessels on the Lakes that have been sunk by reason of the weather? I am speaking of a storm.

Mr. FURUETH. I do not.

Mr. MILLS. Do you know of any passenger vessels that have been lost in recent years—and when I say recent years I want to cover the modern steam passenger vessel on the ocean—in storms, by reason of storm?

Mr. FURUETH. What period of time are you taking?

Mr. MILLS. Let us take the last 15 years, or go back to 1900. I am not trying to trip you into any answer. This is what I am getting at: Is it not a fact that the great danger at sea or on the Lakes to-day, in so far as passenger vessels are concerned, is from collision?

Mr. FURUETH. Fire and collision, on the Lakes particularly, because—now, let me help you a little there and help Mr. Scott. The passenger vessels on the Lakes watch the weather signals very carefully, the passenger boats watch for the signals very carefully, and while a passenger boat is not any less subject to a gale of wind than another boat or another vessel, by watching carefully the weather signals they manage very often—not always, but very often—to keep out of a gale by going into port for shelter.

Mr. MILLS. Well, the chief danger is from collision, and a certain danger is from fire?

Mr. FURUETH. And stranding.

Mr. MILLS. Yes; and running ashore in a fog?

Mr. FURUETH. Yes.

Mr. MILLS. Now, assuming a reasonably smooth sea in the summer, is not the life raft under those circumstances an effective instrument of safety?

Mr. FURUETH. In a reasonably smooth sea, for males, dealing with males, yes, they will be; in a reasonably smooth sea, such as you have in the summer time on the Lakes. For women and children, no; I do not think so.

Mr. MILLS. Well, is it not fair to assume that when these percentages were established and with the recognized rule of the sea that women and children should go first, the idea was that the women and children could get into the lifeboats and the men be taken care of on the rafts?

Mr. FURUETH. Sure, that is what we always thought of. But I am not arguing now to increase the life-saving appliances on the Lakes. We are asking you to let them remain what they are. They are little enough now.

Mr. MILLS. I just wanted to cover your testimony, which indicated that a life raft was not a very useful instrument for safety.

Mr. FURUETH. Well, of course, it is not.

Mr. MILLS. You made a statement that Admiral Benson and shipowners, in the present controversy, which has nothing to do with the question before us, but I do not like to let such a statement go unchallenged, were opposing the request of your union to put as many Americans as possible in the American merchant marine, raising, of course, the inference that the shipowners and Admiral Benson were discriminating against Americans in favor of foreigners. In that connection, I would like to ask you what is the Sea Service Bureau of the Shipping Board?

Mr. FURUETH. An employment office, nothing else.

Mr. MILLS. Have they ever trained any seamen during the war?

Mr. FURUETH. No; the training service did that.

Mr. MILLS. Well, was that connected with the Sea Service Bureau of the Shipping Board?

Mr. FURUETH. In some way connected, but the one trained the men and the other shipped them. In other words, it is an employment office.

Mr. MILLS. Is it not a fact that over 30,000 Americans were trained under the auspices of the Shipping Board during the course of the war?

Mr. FURUETH. Yes; that is to say, they got some kind of training.

Mr. MILLS. Well, yes; they got some kind of training, and the Sea Service Bureau is under the Shipping Board, is it not?

Mr. FURUETH. Yes; but it did not do that work.

Mr. MILLS. Now, let us get at the facts. The Sea Service Bureau to-day is furnishing, or supposed to furnish, seamen to the American vessels, is it not, as an employment bureau, as you described it?

Mr. FURUETH. Yes.

Mr. MILLS. Is it a fact that in January last, of the number of men furnished by the Sea Service Bureau and trained by the Sea Service Bureau, 73 per cent were Americans; in February, 77 per cent; and in March, 81 per cent? Are you prepared to dispute those figures?

Mr. FURUETH. No; I am not, but——

Mr. MILLS. Then I will ask you one further question, whether the first request submitted by your union was to do away with the Sea Service Bureau?

Mr. FURUETH. That was the first one.

Mr. MILLS. A bureau that was furnishing 81 per cent of Americans to the American merchant marine——

Mr. FURUETH. And was——

Mr. MILLS. Sixty days ago?

Mr. FURUETH. And also was furnishing, exclusively, Spaniards who could not understand the language, if they were called for, and also was furnishing other things.

Mr. MILLS. Only 19 per cent. I would like also to ask you what percentage——

Mr. FURUETH. Now, will you please let me explain how the Sea Service Bureau has been furnishing those men?

Mr. MILLS. If you want to go into the whole controversy.

Mr. FURUETH. But surely you do not want to mislead anybody; you do not want to bring about a false impression?

Mr. MILLS. As far as I am concerned, I want to go into the matter fully, but I would rather complete my line of questions before you get off——

Mr. FURUETH. Gentlemen, I am up against a question now where I am compelled to answer a question yes or no, and in either case I would not be stating the truth. You have made a statement about the number of men furnished by the Sea Service Bureau. Now, I say the Sea Service Bureau furnished their men through the unions; that is what they did; and they put down on the Sea Service Bureau's records men that never went through the Sea Service Bureau at all, and I am prepared to prove that if this question has anything to do with it at any time. When anybody wants to investigate that, I am prepared to prove everything I have said on the subject.

Mr. MILLS. I would like to ask you this question: How many members of your seamen's union are foreigners and how many Americans?

Mr. FURUETH. Fifty-one per cent native Americans on the 1st of December, 1920, by actual count of individual men, and between 7 and 10 per cent naturalized Americans.

Mr. MILLS. I would like to ask you whether in the last few months you have not been constantly furnishing an increasing number of foreigners through your unions?

Mr. FURUETH. We have not.

Mr. MILLS. You deny that?

Mr. FURUETH. Absolutely.

Mr. MILLS. You know that charge has been made?

Mr. FURUETH. Well, there have been so many charges made against us in our union; as many as were made against the German Emperor.

Mr. MILLS. Let me ask you whether the ships sailing from Vancouver, Canadian ships, pay their crews overtime, one and a half?

Mr. FURUETH. I do not believe they do, because they employ Chinamen.

Mr. MILLS. Is it or not true that the Canadian branches of your union furnish men to the Canadian ships?

Mr. FURUETH. To the coastwise ships in Canada, a few. Some of the men were sailing on the sea from Vancouver to foreign countries.

Mr. MILLS. All right, let us get the Canadian ships that do not sail to foreign countries, coastwise shipping, and let me ask you whether you furnish any men to those?

Mr. FURUETH. Coastwise vessels?

Mr. MILLS. Yes.

Mr. FURUETH. No; we do not; but there are men who are members of our organization, who go down to the docks and are picked by the officers, engineers, or mates. There is no shipping office there.

Mr. MILLS. Those men sail on Canadian vessels that do not pay one and a half time for overtime?

Mr. FURUETH. That is true.

Mr. MILLS. Would you allow any of your union men to sail on any American vessel on the Pacific coast that did not pay one and a half time for overtime?

Mr. FURUETH. To begin with, I have not got any more to do with them than you have.

Mr. MILLS. I am not speaking of you personally. I am asking whether you of the union——

Mr. FURUETH. What the union would do and what it will do I do not know, nor what they can do now, but the agreement between the shipowners on the Pacific coast and the seamen on the Pacific coast for nearly 20 years has been that as far as vessels at sea are concerned, going to sea or coming from sea, or at sea, there is no overtime. In the harbor——

Mr. MILLS. Now, let me state right there, because I may be entirely mistaken, that in 1910 I went up to Alaska, sailing from Seattle. I was informed that by reason of the overtime paid the crew the members of the crew were getting more pay than the captain of the vessel. Now, was that overtime at that time limited to the loading and unloading of the vessel at the ports at which she stopped?

Mr. FURUETH. Absolutely limited to work done in the harbors—loading.

Mr. MILLS. But you had an 8-hour day on those vessels?

Mr. FURUETH. We had nothing of the kind, sir.

Mr. MILLS. What sort of a day did you have?

Mr. FURUETH. A 12-hour day.

Mr. MILLS. As to all of the——

Mr. FURUETH. As to everybody in the deck department.

Mr. MILLS. How about below decks?

Mr. FURUETH. Below decks they are firemen, oilers, or water tenders, and they had an 8-hour day.

Mr. MILLS. And the stewards?

Mr. FURUETH. Well, any time from 10 or 15 hours up to 16 or 18 hours.

Mr. MILLS. Well, that was not so in 1910 on the vessel on which I traveled.

Mr. FURUETH. That was so in 1910, without any question. The kitchen crew's time begins at 5 o'clock in the morning and ends at 8 o'clock at night, and it has always been that way.

Mr. MILLS. We are getting afield there, but the fact is that American coastwise vessels do pay overtime?

Mr. FURUETH. Sure they do.

Mr. MILLS. And the Canadian vessels do not?

Mr. FURUETH. That is true, too.

Mr. MILLS. I would like to ask you what your union would do to a union man who sailed on an American vessel that did not pay overtime in the coastwise trade?

Mr. FURUETH. What would we do to him?

Mr. MILLS. Yes.

Mr. FURUETH. A charge would be filed against him in the union, which would be submitted to a trial committee, and if he violated the rules and the agreement he would be fined from \$2.50 to \$5 for the first offense, and for the second offense \$5 or \$7, or \$10 at the most, and for the third offense he would be expelled.

Mr. MILLS. There is one other question I want to ask you——

Mr. FURUETH. May I amplify my answer just a little, so as to make it perfectly understandable to everybody?

Mr. BRIGGS. You may answer it.

Mr. FURUETH. When we have expelled him, we usually find him as a petty officer on board of a ship having command of us, and taking it out of us again because we did it.

Mr. MILLS. I want to ask you whether on a vessel—and I am told there are some vessels; I am not familiar with the lines on the Great Lakes—on a vessel that had a 5-hour run from port to port—there may be some stops—and a 5-hour run in return, making 10 hours at sea out of the 24, whether you would consider it essential to have three watches for the oilers and water tenders; and if so, why?

Mr. FURUETH. Well, to begin with, I am not an oiler or water tender. I never sailed in the fireroom or in the engine room. The technical knowledge of those places is to be got from men like this man here, Conway, because he is a thoroughly experienced fireman, oiler, and water tender.

Mr. MILLS. You would rather not go into that yourself?

Mr. FURUETH. That is right.

Mr. MILLS. That is all, Mr. Chairman.

Mr. BRIGGS. Mr. Furuseth, I want to ask you something about able seamen. We have had a good deal of discussion about it, and the skill of those men as contrasted with the ability of the certified lifeboat man. You have given a good deal of discussion, and other witnesses have, too, as to the general qualifications of those men, but I want to ask you a little as to what special service making those men more valuable than other men is rendered by them in times of emergency?

Mr. FURUETH. Able seamen, you mean?

Mr. BRIGGS. Yes. In other words, a good deal of testimony here was offered to the effect that it took an able seaman to properly launch a lifeboat loaded with people.

Mr. FURUETH. Lower it.

Mr. BRIGGS. Lower it?

Mr. FURUETH. Yes.

Mr. BRIGGS. I think the testimony was that it took two to a lifeboat. Does their skill end there, or does their superiority end there over other men, after the lifeboat is lowered?

Mr. FURUETH. No.

Mr. BRIGGS. What is their further use, then, in which they are superior?

Mr. FURUETH. After she is in the water?

Mr. BRIGGS. After she is in the water, in heavy water or a storm?

Mr. FURUETH. Yes. In order to keep the boat from swamping and drowning everybody, there is usually provided what is called a drag or sea anchor, almost like a sugar loaf in shape, with a big hole, and a little hole in the other end, and tied on to a rope with a crow's foot, so as to hold it. From that drag goes a rope 30, 40, or 55 fathoms long, a line that is strong but very slight, as neat as we can get it. One man stands forward in the boat——

Mr. BRIGGS. I wish you would designate technically what you call that man, if he has any special status.

Mr. FURUETH. An able seaman stands forward, and when the boat is riding against the sea, having its nose or bow against the sea.

Mr. BRIGGS. What do you mean by against the sea? A great many people on this committee are not technical men.

Mr. FURUETH. Billows coming this way [indicating]. You have seen the sea?

Mr. BRIGGS. I have seen it, but some people have not.

Mr. CHINDBLOM. With the waves coming toward it?

Mr. FURUSETH. The waves of the sea coming this way [indicating] and the boat rides this way against it [indicating].

Mr. BRIGGS. The boat faces the sea?

Mr. CHINDBLOM. The movement of your arms do not go in the record.

Mr. FURUSETH. I know. Let me see if I can get it in some kind of language so that it can be understood.

Mr. HARDY. I think it is, when you say, "This way against it."

Mr. FURUSETH. When the boat is lowered into the water it is always lowered with the bow against the sea, or against the billows, or against the waves. Then there is a man standing forward; that is, in the bow in the boat.

Mr. BRIGGS. Who is that man?

Mr. FURUSETH. An able seaman—that is, if you have enough of them to do it. If you have enough, that is what he does.

Mr. CHINDBLOM. Does that position give him any particular name or title?

Mr. FURUSETH. He is the bowman. You would call him that. He stands there and he holds on to a line and makes it fast around a bit, if he has it, or there is usually something there so he can make the line fast. He surges out the line, slacks out the line, so as to let the boat come back and be able to ride the waves. A boat raises forward 30°, sometimes 40°, to mount a heavy sea. In order to do that the boat has got to be free and perfectly buoyant and alive. The sea anchor is perhaps 10, 15, 30, or whatever fathoms it may be, ahead of the boat in the water, and when the boat has a tendency to swing off so as not to head the sea, so as not to have its bow clean against the sea, it tries to get away to the left or to the right so as to get broadside——

Mr. BRIGGS. Broadside to the waves?

Mr. FURUSETH. Broadside to the waves, and if she gets broadside to the waves she is gone, and nothing can help her any more.

Mr. BRIGGS. She gets in the trough of the sea?

Mr. FURUSETH. She gets in the trough of the sea, and she is gone; she is filled in a minute and tumbles over. He holds on to that sea anchor line, as we call it. When the boat has mounted the wave and is going down he pulls in on the line, and as he meets the next wave he slacks up. The purpose of it is to keep the bow of the boat straight against the waves. That is one able seaman.

The other able seaman stands in the stern of the boat, in the other end, and he handles a sweep, as we call it, a big oar. The boat is not moving ahead through the water; the water is moving past the boat, and therefore the rudder is of no use, so you have got to have something to steer the boat, and for that reason we have got an oar. It is usually a larger oar than the others, and sometimes they call it a sweep. Anyhow, you have got to have an oar there, and then you stand and handle that oar so as to help the bowman keep the face, nose, or bow right straight against the waves. With two such men knowing their business you can ride in a 75-mile gale, and with a boat full of people, if it is not overloaded.

Mr. BRIGGS. Does that work require any special degree of skill, or is it work that any man could do, or that a certificated lifeboat man could do?

Mr. FURUSETH. A certificated lifeboat man usually needs help himself. This work requires the highest skill in seamanship that the world has got, and it is only acquired after years of experience, either in boating on the beach, in fishing, or in handling boats, on board of a ship, and in handling weights, etc. It is the highest skill that a man can ever acquire, and it requires higher skill for that than any other thing.

Mr. CHINDBLOM. How far back of the boat does the anchor ride?

Mr. FURUSETH. How far ahead of the boat, you mean?

Mr. CHINDBLOM. Yes; ahead.

Mr. FURUSETH. Well, 15 fathoms, or 10 fathoms, at least. The international regulations provide that this anchor shall have an oil bag on it—and, by the way, that oil bag on that sea anchor was put in the international regulations at my motion in London in 1913——

Mr. BRIGGS. Is that to hold the anchor up?

Mr. FURUSETH. No; you do not want to hold it up; you want to have it far enough down in the water.

Mr. BRIGGS. It holds it up some, because it has some buoyancy?

Mr. FURUSETH. Yes; but the main purpose of it is that the sea squeezes the oil out of the bag, and then distributes it and prevents the sea from breaking, which it would otherwise.

Mr. BRIGGS. It keeps the sea a little smoother?

Mr. FURUSETH. Yes.

Mr. BRIGGS. The purpose, I suppose, of this anchor is to steady the boat and help hold her head up against the waves?

Mr. FURUSETH. Yes.

Mr. BRIGGS. So that she can float over the waves instead of being crushed under them and having the waves engulf her and destroy her?

Mr. FURUSETH. That is it exactly; that is the purpose of it.

STATEMENT OF MR. CHARLES J. BOUR, PRESIDENT AND GENERAL MANAGER CHICAGO, DULUTH & GEORGIAN BAY TRANSIT CO., CHICAGO, ILL.

Mr. BOUR. Mr. Chairman and gentlemen, the shipowners are not here as an organization. We came individually to state our case before this committee.

I have heard the testimony of Mr. O'Brien and Mr. Furuseth regarding the skill and ability necessary to qualify as an able seaman. My position perhaps is a little different from the average steamboat company. We operate the largest exclusively long-haul passenger lines on the Great Lakes, from Chicago to Buffalo, via the Georgian Bay, and from Chicago to Duluth, via the Georgian Bay, a route covering approximately over 2,000 miles, a week's cruise.

There has not been a word said here by the gentlemen representing the unions as to the workings of the seamen's act. I want to give you a concrete example for the reason why the provision of section 13 providing for the substitution of certificated lifeboat men for able seamen should be passed. I will give an example. I was on the ship when it happened, and it is up to you to know whether or not it should be. We left Chicago at 1.30 on Saturday, arriving in Buffalo at 8 o'clock the following Wednesday morning. The boatswain in

charge of the able seamen, as on every vessel, went to the first officer and asked for a day off at Buffalo. Mind you, we were there nine hours. The first officer said that he could have his time off after he had finished his work, which consisted of scrubbing, that is all. I will tell you what able seamen are after a while on our boat.

Mr. HARDY. I will call attention to the fact, Mr. Chairman, that this is not rebuttal testimony; it is a matter about which there has been no testimony, and an entirely new matter.

Mr. BOUR. I just want to show you how the Lake lines, and particularly my company, are affected as regards the duties of an able seaman.

Mr. BRIGGS. I would like to say that I am interested, for one, in getting the facts. I have no disposition to make a hard-and-fast rule.

Mr. HARDY. But I did not want this to be put in and have it said that nobody on the other side could answer it.

Mr. BOUR. I have no objection to that. I will answer any questions you Congressmen put before me.

Mr. BRIGGS. I have no objection to that. I think the committee is after information, and all we want is the facts. I think the judge and myself and all of us are.

Mr. CHINDBLOM. Let the witness proceed. We are all agreed.

Mr. BOUR. The boatswain, however, left without finishing his work. Upon his return an hour before leaving time—we were there nine hours at Buffalo—he had some little controversy with the first officer and he struck, taking eight of his able seamen with him. As a result we endeavored to fill out the crew. The first officer went to the union headquarters at Buffalo to get sufficient men to man the ship. We were unable to do it. We had 600 passengers aboard at that time. A great many of them had made reservations at Chicago for their return to their points, and a great many of them had wired reservations from Buffalo to points out of Chicago. We were unable to get a full crew, and knowing, as we did—the master did—I was aboard the ship at the time, and I know what I am talking about, that we were violating the marine laws by leaving without a full crew—we proceeded to Detroit, reported the matter to the customs department at Detroit, and endeavored to fill our crew, which we were unable to do.

We proceeded to Chicago with a less number of men than required by law and reported the matter to the customs department at Chicago. As a result we were fined \$500 for violating the marine law. If we had been privileged to use certificated lifeboat men in an emergency, which existed at the time, we would not have been obliged to violate the law.

The duties of an able seaman, so far as I am concerned—I have not been a steamboat man for 40 years, but I have been very active since 1917—are not such that it requires great skill and ability.

There has not been a bit of evidence introduced here to show that any vessel has ever been destroyed on account of the weather where lifeboats have had to be lowered with passengers. Everything has been based on theory. There has been nothing on practice. And I say, gentlemen, that it is not fair that the Government of the United States should impose such burdens on the vessel owners as to prohibit them from serving the public.

Mr. O'Brien testified here, I think, two or three days ago that the Seamen's Union was the only body representing the public. I will say to you, gentlemen, that the steamboat companies, the vessel owners, are the only men representing the public. Their very existence depends upon the public, and naturally they must represent the public; and it is not fair, gentlemen, that undue burdens should be imposed on the vessel owners which will prohibit them from serving the public.

Our season is less than three months. One boat runs 63 days and another boat not to exceed 72 days, operating during the summer months, July and August.

I am not so much interested in the three-watch system as some of the other lines. I can see where they are. We have always employed a three-watch system in our firehold before the law and after the law. Our runs are from 18 to 22 hours, a week's cruise, and naturally we want men to live properly, and we have every facility for giving the service to the men. We have shower baths and toilets, and they get the same food that the passengers do. I have no objection to that, but I do say that we should be able to operate and serve the public in case of an emergency.

Mr. SCOTT. How long has your company been operating?

Mr. BOUR. Since 1913.

Mr. SCOTT. How long have you been operating passenger ships?

Mr. BOUR. Me?

Mr. SCOTT. Yes.

Mr. BOUR. I became active in 1917, although I have been an officer, but not active until 1917.

Mr. SCOTT. You have been identified with the passenger service since nineteen hundred and when?

Mr. BOUR. The ships were built in 1913 and 1914, and I have been identified since 1917. Our boats are exclusively passenger boats. We do not carry a pound of freight.

Mr. SCOTT. How long have you been associated with passenger service companies?

Mr. BOUR. Since 1913 with the steamboats. I have been in the railroad business for 30 years.

Mr. SCOTT. Since that time how many passengers has your company lost in consequence of disaster?

Mr. BOUR. None; and never had a suicide even, and that seems to be about the only line where that has not happened.

Mr. SCOTT. How many passengers have you carried in that period?

Mr. BOUR. I presume we have carried perhaps 100,000.

Mr. SCOTT. Does that complete your statement?

Mr. BOUR. That practically completes my statement. I will say to you gentlemen that I can start in and make an able seaman in an hour, so far as his necessary requirements according to the law are concerned.

Mr. SCOTT. If he possesses ordinary intelligence?

Mr. BOUR. Yes.

Mr. SCOTT. May I ask you one other question? Since the seamen's law was passed, how does the character of the seamen compare with the character of the seamen previous to the enactment of the law? Are they better or are they about the same?

Mr. BOUR. They are no better now. We have our drills every week——

Mr. HARDY. May I ask you a question? Did you pay that \$500 fine?

Mr. BOUR. It was remitted, Mr. Congressman.

Mr. HARDY. I was just going to ask you if it was not remitted.

Mr. BOUR. That was the first offense. I do not know if the second would be.

Mr. HARDY. That was one fine that was remitted where you violated the law on account of the extraordinary conditions?

Mr. BOUR. Yes, sir.

Mr. HARDY. You did not pay a dollar of that fine?

Mr. BOUR. It was remitted; but it was a violation of the law, nevertheless, which we do not want to do.

Mr. HARDY. You said you could easily have gotten a crew if you had been allowed to ship certificated lifeboat men. You could have gotten them easier if there had been no requirements, could you not?

Mr. BOUR. Congressman, there are requirements for certificated lifeboat men.

Mr. HARDY. That is under this law, though.

Mr. BOUR. It may be; but we are perfectly willing to abide by the law.

Mr. HARDY. Before the seamen's act you could have gotten men from the barrooms and jails, could you not?

Mr. CHINDBLOM. The navigation service had something to do with it.

Mr. HARDY. So far as the law was concerned, the Steamboat-Inspection Service could have let you go with a crew none of whom had ever been on board a vessel before, could they not?

Mr. BOUR. We got along just as well.

Mr. HARDY. I am not asking you how you got along. There was no law, was there?

Mr. BOUR. Just the same, there has been no difference in our operation.

Mr. HARDY. No difference in your operation?

Mr. BOUR. No.

Mr. HARDY. Then, why are you complaining of the law?

Mr. BOUR. I am not, Congressman, complaining seriously of the law, only I do say this, that the law should be so that it would enable us to serve the public in an emergency.

Mr. HARDY. You are complaining of the action that you claim the unions took.

Mr. BOUR. Absolutely; and I will tell you that we can not ship a man unless he is a union man. Our maids who take care of the state-rooms and make the beds are even in the union.

Mr. HARDY. You know the law does not make any such condition as that.

Mr. BOUR. I understand. I am not charging the law directly with the conditions; but indirectly, yes.

Mr. HARDY. What you want to do is to do away with the requirements so that you will not have any able seamen on your boats?

Mr. BOUR. No; I do not want that.

Mr. HARDY. Would you be willing to be required to have any?

Mr. BOUR. I do not want to. I want to be able to operate my ships, whether the union can furnish me a man or whether I have got to go out and get men who are not able seamen. That is all.

Mr. HARDY. You want to be able to operate your ships, then, without any able seamen?

Mr. BOUR. I want to be able to operate my ships with men who have got the intelligence.

Mr. HARDY. Men that you think have?

Mr. BOUR. Men that I think have, and I am a pretty good judge.

Mr. HARDY. But you are perfectly willing to let the law have no restraining power over you?

Mr. BOUR. No; I want regulation.

Mr. HARDY. Well, do you want any requirements as to able seamen?

Mr. BOUR. But I will tell you, Judge Hardy, what I do think ought to be done. I do believe that the Government of the United States, or the Congress, if you please, should make it a felony for any able seaman to strike without proper notice.

Mr. HARDY. That is another question. But I want to get at your proposition. Your proposition is simply to allow you to sail without any men other than certificated lifeboat men, if you see fit?

Mr. BOUR. If necessary; yes, sir.

Mr. MILLS. I would like to ask you one question. It was not so much the \$500 fine that bothered you, but the fact that all your limitation of liability vanished into thin air, and had you sailed up to Buffalo without the required additional men, is it not a fact that if there had been an accident it would have meant a very serious loss to you?

Mr. BOUR. Mr. Congressman. I will tell you what did happen. We were delayed a day on account of an accident to the wheel. We had 400 or 500 passengers at Chicago. We had to pay their board and so on while we were delayed. We were liable. I have heard these gentlemen testify that the companies are not liable for any damage. That is wrong.

Mr. BRIGGS. Do you operate passenger boats?

Mr. BOUR. Absolutely and exclusively passenger boats.

Mr. BRIGGS. Which do you consider more valuable, the lives of the passengers and crew or the property?

Mr. BOUR. I consider the lives of the passengers—

Mr. BRIGGS. And the crew?

Mr. BOUR. The passengers and crew, the human beings; yes.

Mr. BRIGGS. Of course, they are all human beings. That is what I expected you to say.

Mr. BOUR. Yes; I consider the lives of the passengers and the human beings; sure.

Mr. BRIGGS. Now, I want to ask another question—

Mr. CHINDBLOM. I think I will have to take exception to that question. I do not think it is a fair question.

Mr. SCOTT. Mr. Bour, during the last two or three days the assertion has been made here that all the operating companies on the ocean and on the Great Lakes have dummy corporations that are used solely for the purpose of absorbing the insurance on the ship. I will ask you whether that is a fact, whether you have a dummy corporation which you use for the purpose of insuring your ships?

Mr. BOUR. Mr. Congressman, I heard that remark; but so far as I am concerned, no.

Mr. BLAND. I do not think the statement was made with regard to the Great Lakes.

Mr. MILLS. The inference was raised.

Mr. BOUR. I did not hear any testimony that was given relating to the Great Lakes. It was on the ocean.

Mr. HARDY. Are your ships individually incorporated?

Mr. BOUR. No, sir; it is one corporation. The seamen's act, as originally written, I think, provides that every lifeboat should be supplied with fresh water. Now, that is ridiculous on the Lakes. As I understand it, the seamen's act, as written in London, never was intended to apply to the Great Lakes. We are never over 15 or 20 miles from land of any kind.

Mr. HARDY. You do not think this act was written in London?

Mr. BOUR. Well, the original bill was drafted, as I understand it.

Mr. HARDY. No; they were the provisions specifying the requirements in regard to lifeboats, etc.

Mr. BOUR. I understand that was the nucleus of the seamen's bill. I may be wrong.

Mr. HARDY. The bill was pending here before the conference at London for years and years.

Mr. BOUR. I do not know.

Mr. CHINDBLOM. I want to make a statement. This gentleman lives in Chicago where I come from, and if the question and answer are going to remain in the record, I want to say that I consider that there was no occasion for asking this gentleman whether he considered personal life more valuable than property. I do not like that question.

Mr. BRIGGS. Mr. Chairman, that is distinctly a relative question in this inquiry. The gentleman from New York had asked the question whether or not the failure to have able seamen on board had not jeopardized the ship by reason of risking her limit of liability, etc. I said was not the question of the lives of the passengers carried by that ship and the lives of the crew of even greater moment than the value of the property, the question being whether the ship ought to go without men of sufficient skill to man the lifeboats in case the vessel should be in trouble.

Mr. CHINDBLOM. I am afraid my friend has forgotten his question. The question began, "Do you consider the lives of passengers worth so and so?"

Mr. BRIGGS. I asked him if he did not consider the lives of the passengers and crew worth more than the property, of more value than the property. That is the only question. It seems to me that is proper rebuttal and does not reflect on the witness at all. The witness said he did think so, and I said I thought he would say so. That is one of the first questions Mr. Scott asked, whether the able seamen are necessary adjuncts, and it was only bearing on that question.

Now, I would like to ask the witness another question. When do your ships begin their season's operation?

Mr. BOUR. At different times. This year we begin on the 26th day of June.

Mr. BRIGGS. When do you begin ordinarily?

Mr. BOUR. About that time, or the latter part of June. I am not interested in the season, although we have lost business by reason of the short season.

Mr. BRIGGS. But the 62 or 72 days season is what you operate under existing conditions?

Mr. BOUR. Under existing conditions.

Mr. BRIGGS. Are you operating your vessels at a profit?

Mr. BOUR. My company has paid one and a half dividends. I mean by that that we have been operating now for seven years, and we paid a dividend for one and a half years.

Mr. BRIGGS. Which years were those?

Mr. BOUR. That was in 1913 and 1920.

Mr. BRIGGS. In other words, before the law went into effect and one year since, in the seven years?

Mr. BOUR. Yes, sir.

Mr. BRIGGS. So that really you are not suffering any special amount of loss by reason of the operation of the seamen's act, so far as the operation of your ships are concerned?

Mr. BOUR. No; all I want to do is to be able to operate and serve the people properly.

Mr. GAHN. How many boats have you?

Mr. BOUR. The *North American* and the *South American*.

Mr. GAHN. What did they cost?

Mr. BOUR. They cost at the time they were built about a million and a half, both of them. Of course, they are worth more money now. They could not be replaced under \$2,000,000.

Mr. BRIGGS. What is the tonnage of the vessels?

Mr. BOUR. The gross tonnage of the *South American* is 2,263 and the gross tonnage of the *North American* is about 2,200. They are passenger boats. We do not carry freight.

Mr. GAHN. Passengers and their baggage?

Mr. BOUR. Sure; passengers and baggage.

Mr. HARDY. Mr. O'Brien would like to ask a question, if it is permitted. I do not know what it is.

The CHAIRMAN. Very well.

Mr. O'BRIEN. I would like to ask the witness where he shipped these men that got off the boat in Buffalo? Were they shipped from the union harbor?

Mr. BOUR. From Buffalo.

Mr. O'BRIEN. Not from the union?

Mr. BOUR. Well, they were union men. I do not know where they came from, but they were shipped from Buffalo.

Mr. O'BRIEN. If they were shipped from Buffalo they were Italians.

Mr. BOUR. Italians.

Mr. O'BRIEN. They were not shipped from the union hall?

Mr. BOUR. I do not know.

Mr. O'BRIEN. I do.

Mr. BOUR. They were able seamen, however.

Mr. O'BRIEN. Those men were not even union men when they were shipped. They were organized afterwards. You do usually ship your men, although you are in Chicago, from the union hall, so you

could get the men from Chicago if you paid their fares from Buffalo to Chicago. You could get the men in Chicago, union seamen.

Mr. BOUR. We like to have Americans, too, whenever we can get them, and men who are familiar with the boats.

Mr. O'BRIEN. The crew that quit and tied up your ship, and the boatswain that struck your officer were Italians whom you picked as your crew, and they were not forced upon you by the union?

Mr. BOUR. No; they were not forced upon us, but they were union men, and they were able seamen.

Mr. O'BRIEN. They were organized afterwards?

Mr. BOUR. I do not know about that. I know they were able seamen when we hired them. I do not know when they were organized, and I do not care anything about that.

Mr. HARDY. They were Italians?

Mr. BOUR. Italians; yes, sir.

Mr. HARDY. They were not Americans?

Mr. BOUR. Not Americans.

Mr. O'BRIEN. You could have gotten Americans?

Mr. BOUR. I do not know. We could not get Americans to fill our crew, so we had to take a few foreigners.

Mr. GAHN. Were they citizens?

Mr. BOUR. I do not know whether they were citizens or not, but they were able seamen.

Mr. GAHN. Of Italian birth?

Mr. BOUR. Yes.

Mr. O'BRIEN. Did they understand the orders of the officers transmitted by himself?

Mr. BOUR. I do not know about that. They would not be able seamen, would they, if they could not understand the orders? You would not issue them a card if they could not understand the orders, as I understand it.

Mr. O'BRIEN. The reason I am asking this is because there is a possibility that these men were not capable of speaking and understanding English sufficiently to understand the orders given by the officers.

Mr. MILLS. If they were not, what would that have to do with this hearing?

Mr. O'BRIEN. Well, the way I look at it, this brings out the point that if the law is being enforced for the safety of passengers aboard ships, it is absolutely essential that the men be able to understand the officers' order for the launching of boats, or doing anything else for the safety of the ship and passengers.

Mr. CHINDBLOM. What about the man who struck the officer? Did he understand English?

Mr. BOUR. Mr. Chairman, I think it was stated here by Mr. O'Brien that certain skill and ability was required to become an able seaman. These men that we hired were able seamen. Now, what examination they had to go through I do not know. They were able seamen. That is all we are interested in, able seamen.

Mr. HARDY. I would like to ask you were they Italians?

Mr. BOUR. Italians.

Mr. HARDY. You do not know whether they were naturalized or not?

Mr. BOUR. No.

Mr. HARDY. Did you hire them in Chicago?

Mr. BOUR. We hired them at Buffalo.

Mr. HARDY. Then, when you got to a certain point these Italians struck, and did you go out in the yard to get able seamen somewhere else?

Mr. BOUR. No; they had practically finished their season. It was during the month of August, and at Buffalo where they struck.

Mr. MILLS. They had been with you all the season?

Mr. BOUR. They had been with us up to that time; yes, sir.

Mr. MILLS. When they struck they were members of the union?

Mr. BOUR. Able seamen.

Mr. HARDY. He did not say they were members of the union.

Mr. MILLS. I will ask Mr. O'Brien; when they struck were they members of the union?

Mr. O'BRIEN. I do not know, but I do know——

Mr. MILLS. Did you not say within five minutes that they were organized after they joined the ship?

Mr. O'BRIEN. After this, you mean?

Mr. MILLS. Did you or did you not say within five minutes that they were organized after they joined?

Mr. O'BRIEN. The point is this, Congressman, that I am trying to make, is this——

Mr. MILLS. I am not interested in the point you are trying to make——

Mr. O'BRIEN. But I am.

Mr. MILLS. All I am interested in is having the question answered. It is a perfectly plain question.

Mr. O'BRIEN. I am going to try and answer it, if you will allow me.

Mr. MILLS. Will you state whether——

Mr. O'BRIEN. I said that; yes.

Mr. MILLS. Thank you.

Mr. O'BRIEN. I said that the men must have been organized after they had joined the ship.

Mr. MILLS. You did not say must have been; you said they were organized.

Mr. O'BRIEN. Here is the point: These men went on at Buffalo. They were taken by train from Buffalo to Chicago and joined the ship at Muskegon or some other place, and when they were in Buffalo on the last trip those Italians did not feel sufficiently well disposed toward the vessel owner to travel to Chicago, or wherever she was going to be laid up, and then travel back to their homes. The probabilities are that these fellows wanted to stay in their homes, where their homes were, on the last trip, because there would only be a few days' work to travel back to Chicago, where the ship was going to be laid up.

Mr. MILLS. They did not care what became of the vessel or its passengers or whether——

Mr. O'BRIEN. I grant that. Another reason why we organized those people is that we find that aboard ships we must organize them in order to protect ourselves.

Mr. MILLS. Now, let me ask you this: You know all about these four men; you know they broke their contract and left the vessel in a position where she had to leave short of eight able seamen and one boatswain. What action did you take with reference to those men?

Mr. O'BRIEN. I never knew that until Mr. Bour told me himself.

Mr. MILLS. When did he tell you?

Mr. O'BRIEN. To-day. He told me about the men that had left in Buffalo this morning.

Mr. MILLS. Had you known, what would you have done?

Mr. O'BRIEN. I could not have done anything to those men for this reason, that the probabilities are that we will not see those men again. The same condition prevails in other ships. I am sure that question is going to be taken up in rebuttal by Mr. Thorp.

Mr. THORP. It will be.

Mr. MILLS. Do not these shipowners need protection from just that kind of case?

Mr. O'BRIEN. They do, yes; certainly.

Mr. MILLS. How do you suggest meeting a situation such as this gentleman has described?

Mr. O'BRIEN. I will tell you what we do. Of course, as I say, we have no control over these men, as they were quitting and going home and practically leaving the Lakes. They would not pay any attention to what we say to them. In the vast majority of cases we can not even talk to them. They can not understand us. I know it, because I have had to write out a description of those men, to give to the man who was on board the ships to join the men, and it was very difficult to find out even their proper names.

Mr. MILLS. And yet they are rated as able seamen?

Mr. O'BRIEN. Yes; they are rated. Their skill is there.

Mr. SCOTT. In this particular instance, Mr. O'Brien, your organization was notified of this thing when the representative of this company's ship went up to your headquarters in Buffalo and requested 8 or 10 additional men to supplant the men who had quit, and was unable to get them; is not that so?

Mr. O'BRIEN. I heard Mr. Bour say that. I do not know that, because I was in Chicago.

Mr. BOUR. That is true.

Mr. GAHN. What was the reason you could not get them?

Mr. BOUR. They were not to be had. Of course, we had 600 passengers aboard. We could not wait indefinitely. We left there about an hour late. We could not get them and we proceeded.

Mr. GAHN. Did the union in Buffalo indicate to you in any way that they were backing up these men that were going to quit?

Mr. BOUR. No; nothing whatever. It was just a case of an able seaman who did not like to obey orders, and simply quit and took his men with him.

Mr. HARDY. May I ask why it was that you sent off to get an Italian crew instead of trying to get an American crew where your boat started from?

Mr. BOUR. Mr. Congressman, I will tell you as near as I can. The duties of an able seaman, so far as we are concerned, and so far as the duties require, as given here by this gentleman, are not so much

the being able to lower a lifeboat or raise a lifeboat, but they are scrubbing and cleaning. That is the duty on our ship. We have nothing to do but test them as to the matter of saving lives. We have our drills every week, and I am going to say to you that you have heard the testimony of these gentlemen here that it takes two men to man a lifeboat——

Mr. HARDY. That is not the question I am asking now. I want to know if you got these Italians cheaper than you could get Americans?

Mr. BOUR. No; we paid the union scale. But it does not make any difference about nationality. Their skill is just the same.

Mr. HARDY. Were they union men?

Mr. BOUR. They were union men.

Mr. HARDY. When you got them?

Mr. BOUR. Yes, sir.

Mr. HARDY. You say you wanted men who could do scrubbing?

Mr. BOUR. Those were the requirements, so far as we were concerned, the principal requirements in handling the line.

Mr. HARDY. Do you know whether they could understand the English language?

Mr. BOUR. Yes; they seemed to understand the English language. I talked to a lot of them.

Mr. GAHN. You do not want the present law changed, then, because you are having any controversies with the union?

Mr. BOUR. That is all; it is a union proposition. We have men on our ships that are qualified to do that work.

Mr. GAHN. Did you have any American seamen on the boat when these Italians struck?

Mr. BOUR. Yes.

Mr. GAHN. Did they strike or did they stay with you?

Mr. BOUR. No; they did not.

Mr. GAHN. They stayed with you?

Mr. BOUR. They stayed. They were Americans. You have heard here than an able seaman is an American, but the fact of the matter is that they are not.

Mr. GAHN. I wanted to know if they stayed with you. It was the Italians who quit and the American able seamen, so called, who stayed with you?

Mr. BOUR. It was the Italians.

Mr. GAHN. You did not have any controversy with the union when you shipped about these able seamen?

Mr. BOUR. No; an individual controversy with the boatswain.

Mr. GAHN. Do you or do you not want the law changed so that you can get away from dealing with the unions?

Mr. BOUR. Well, it would be a great thing if we could. We could then run our own business.

Mr. HARDY. If it was the union that caused them to strike, why did the Americans stay with you?

Mr. MILLS. He did not say it was the union.

Mr. HARDY. I think he left that inference, it seems to me.

Mr. BOUR. Perhaps. I do not want to answer that.

Mr. HARDY. Were these Americans members of the union?

Mr. BOUR. Yes; we are all unionized.

Mr. HARDY. So it looked like an Italian question, did it not?

Mr. BOUR. It was these sailors, these able seamen.

Mr. HARDY. Did you not have some American able seamen there?

Mr. BOUR. Yes.

Mr. HARDY. Did they quit you?

Mr. BOUR. No; they did not.

Mr. HARDY. Only the Italians quit you?

Mr. BOUR. Yes, sir.

Mr. HARDY. Then it was an Italian question?

Mr. BOUR. It was an Italian question.

Mr. HARDY. Why did you leave the impression that it was the union that was troubling you?

Mr. BOUR. It was. We could not sail without getting more union men.

Mr. HARDY. No; there is not any law about union men. You could not get able seamen you said at first.

Mr. BOUR. Of course, that is an inference. You can say that as you wish, but the fact is, gentlemen, that we can not hire anybody but union men.

Mr. HARDY. And yet you had union men right there with you?

Mr. BOUR. We had union men.

Mr. HARDY. And the union refused to get other men?

Mr. BOUR. Well, they did not help us. We had to leave without a sufficient crew.

Mr. HARDY. Do you know whether they could help you or not?

Mr. BOUR. They probably would have if they had had them. There is no question about that.

Mr. HARDY. You think they would have helped you if they had had the men?

Mr. BOUR. Absolutely.

Mr. HARDY. You do not even expect the union to do an impossibility, to help you when they did not have them?

Mr. BOUR. That is why I say the law should be changed.

Mr. HARDY. So it is the law, and not the union?

Mr. BOUR. That is all. I am not opposed to the union. We like the union. If they were all like Mr. Conway and Mr. O'Brien, we would not have any trouble.

Mr. HARDY. Were all of the men on your boat certificated lifeboat men?

Mr. BOUR. They were either able seamen or certificated lifeboat men, a certain portion of them. We carry waitresses and maids, who are not eligible to become certificated lifeboat men.

Mr. HARDY. Did you have 65 per cent of the deck crew that were either able seamen or certificated lifeboat men?

Mr. BOUR. Yes; we complied with the law.

Mr. HARDY. You reported your shortage and they remitted your fine?

Mr. BOUR. I know what will happen the next time if we get fined.

Mr. BRIGGS. How many passengers in a season do you carry?

Mr. BOUR. We carry in the neighborhood of 15,000 or 18,000.

Mr. BRIGGS. How many on a trip?

Mr. BOUR. Well, we carry 600.

Mr. BRIGGS. Six hundred?

Mr. BOUR. Yes.

Mr. BRIGGS. What is the licensed capacity of the vessel?

Mr. BOUR. Our license on the *South American* is 618 in addition to a crew of 132, and on the *North American* it is in the neighborhood of 500.

Mr. BRIGGS. And the crew is how much?

Mr. BOUR. A crew of about 130.

Mr. GAHN. Is this the point, finally, that without any fault on the part of the union, without any fault on account of any labor trouble you had, you had to sail in order to accommodate the public, without the eight men, because the law would not permit you to carry anybody else in their places?

Mr. BOUR. Absolutely. Even the captain or licensed officer could not substitute as an able seaman.

Mr. BRIGGS. I think you stated you only remained about an hour. Did you make that statement?

Mr. BOUR. Nine hours.

Mr. BRIGGS. How long did you give them to supply the crew?

Mr. BOUR. Well, about an hour or an hour and a half. We did not know it until about an hour before leaving time.

Mr. BRIGGS. That is what I say; they only had about an hour or an hour and a half?

Mr. BOUR. Yes.

Mr. SCOTT. Then you made another effort to find them?

Mr. BOUR. Yes; we reported to the customs department that we were short. We knew we were violating the law. And we made an effort to fill the crew.

Mr. BRIGGS. You did your duty the best you could to sail on schedule and comply with the requirements of the law?

Mr. BOUR. Yes; but the law would never allow us to operate without a pilot.

Mr. HARDY. Have not the authorities been ready to meet your reasonable uses when these requirements could not be complied with, and the fine after fine has been remitted the vessel owners because they tried and could not comply with the law?

Mr. BOUR. Mr. Congressman, so far as I know, in all my experience in operating vessels this is the only instance where we ever had to violate the law.

Mr. HARDY. In one instance only, and you have been five years under the law?

Mr. BOUR. We have been five years under the law.

Mr. GAHN. But the law requires you to pay \$500 for risking the life and property that might have risked if there was any danger on that ship?

Mr. BOUR. Yes.

Mr. BRIGGS. If you had stayed a little longer you might have gotten able seamen at Detroit, might you not?

Mr. BOUR. That is questionable, Mr. Congressman, whether we could or not. We do not know.

Mr. BRIGGS. Of course, you did not stop; you did not disarrange the schedule of your vessel?

Mr. BOUR. No. We had a cargo of passengers there, and we run on schedule.

Mr. BRIGGS. I understand; you did not disarrange the schedule, but kept to the schedule.

Mr. BOUR. We make train connections. We sail 142 hours out of 168.

Mr. BRIGGS. How long did you stop at Detroit?

Mr. BOUR. We stayed at Detroit an hour. I think we stayed just a little longer after we tried to get this crew and could not get them.

Mr. BRIGGS. How much longer; an hour, would you say?

Mr. BOUR. We left there perhaps 30 minutes late.

(Whereupon the committee adjourned until Monday, May 9, 1921, at 10.30 o'clock a. m.)

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Monday, May 9, 1921.

The committee met at 10.30 o'clock a. m., Hon. William S. Greene (chairman) presiding.

The CHAIRMAN. You may proceed, Mr. Thorp.

FURTHER STATEMENT OF MR. H. W. THORP.

Mr. THORP. Mr. Chairman and gentlemen, Judge Hardy, a few days ago, remarked that the steamboat interests had had a complete hearing before the passage of this act. That we admit very freely; and at the time that we did have our hearings we based our contentions on the fear of what would happen under the act, and we have found that our fears were absolutely realized in the practical operation of ships on the Great Lakes; and we have found, just as Mr. Manahan said, it is a labor-union proposition.

I am here now prepared to give you figures on what the cost of operation has been since and to answer many of the statements made by the witnesses that are absolutely false.

Mr. Hardy asked me the other day to send to the committee a statement of the amount of dividends paid by our company, and I am now prepared to give it to you for the last 10 years.

Mr. KIRKPATRICK. Of the Goodrich Co.?

Mr. THORP. Yes, sir; the Goodrich Transit Co., of Chicago. In 1910 we paid 8 per cent; but let me say this before going on with the dividends: The company at that time was capitalized for \$500,000, but we have invested, or did have invested, at that time over \$2,000,000—capitalized for \$500,000; \$2,000,000 of assets, principally in ships.

Mr. HARDY. What was the dividend in 1911?

Mr. THORP. I am coming to that. We paid 8 per cent in 1910.

The CHAIRMAN. That is, on the capital stock?

Mr. THORP. On the capital stock of \$500,000; yes sir; not on the invested capital, but on the capital stock. In 1911 we paid 7 per cent; in 1912 we paid 8 per cent; in 1913 we increased our capitalization by selling \$250,000 worth of preferred stock, it being necessary to get more money into the company to operate. In 1913 we paid $3\frac{1}{2}$ per cent on the common stock of \$500,000 and $3\frac{1}{2}$ per cent on the preferred stock of \$250,000. In 1914 we paid $3\frac{1}{2}$ per cent on the common stock and 7 per cent on the preferred. In 1915

we paid no dividends to either common or preferred stockholders. In 1916 no dividends on either common or preferred; 1917 no dividends on the common or preferred. In 1918 no dividends were paid on the common, but $24\frac{1}{2}$ per cent was paid on the preferred, the preferred being cumulative stock. I will add to that that in that year the Government took over our steamship *Virginia*, commandeered her, and from the proceeds received from the Government we paid the dividends that were in arrears on the preferred stock, but nothing on the common.

Mr. BANKHEAD. Was there any guaranteed dividend in the contract on the preferred stock?

Mr. THORP. Absolutely; it was a 7 per cent cumulative stock. The same year, with the balance of the proceeds from the sale of the *Virginia*, the money received from the Government, the board of directors directed that that money be used for the retirement of the preferred stock. We had seven directors of the company, two of whom were common stockholders and five were preferred stockholders. There were only two common stockholders in the company, myself and Mr. Goodrich. We were outvoted and they retired, as far as the money went, the preferred stock at a premium of 110. That was by direction of the board of directors, five of whom were preferred stockholders, and Mr. Goodrich and I the two that represented the common stock and who were the entire owners of the common stock.

In 1919 we paid 10 per cent on the common. There was no preferred. The preferred was all retired before 1919. In 1920 we paid 10 per cent on the common. So much for dividends.

Mr. BANKHEAD. What did the Government pay you for your steamer?

Mr. THORP. \$250,000, as I recall it, Mr. Bankhead. They first allowed us \$225,000. We asked for a rehearing before the Navy board of appraisal and it was increased about 10 per cent. The same case prevailed with three other steamboats that were commandeered at the same time—four in all.

In 1915 the pay roll of our steamship *Alabama*, our finest boat, and the boat we operate all the year around, was \$3,229.90.

Mr. HARDY. Was that per month?

Mr. THORP. That was for the month of May, 1915.

Mr. HARDY. That \$3,200 pay roll was for one month?

Mr. THORP. For one month; for the month of May, 1915. For the month of May, 1916, the pay roll was \$4,612.25. Now, remember. I am here to substantiate every bit of this and you can put me on oath right now, if you want to. Every bit of my testimony you can consider sworn to.

Mr. HARDY. We understand you would make the same statement.

Mr. THORP. This is not theory; this is actual practice—same route, same boat, and same service. In 1917 it was \$6,344.45—double what it was in 1915.

Those are the only figures I have with me. I just happened to have them, but I can say each year it has increased, and quite materially, until now we are paying away up to about \$12,000.

I have here something that I dug up since I came to Washington, with my office stamp of 1915. It shows the number of steamers we

had at that time. It shows the additional crew, for the equipment that we had previous to the act, under the act would be 86 men.

Mr. BANKHEAD. On what vessel?

Mr. THORP. That was on the seven boats that we had. This was the additional crew for the present equipment. That was not in the firehold; that was the able seamen that were necessary to be put on because of the fact that we had to carry able seamen, where theretofore we did not.

Mr. BANKHEAD. It averaged about 12 men to each vessel?

Mr. THORP. Yes, sir. The additional crew for the equipment, to obtain the same passenger allowance as in 1915 was 125 men on the seven ships. I have a statement here, that was made up in 1914, showing the number of boats and rafts carried on our steamer *Christopher Columbus*. We at that time carried 18 small boats and 8 rafts. This was previous to the seamen's act.

Mr. KIRKPATRICK. What year?

Mr. THORP. My stamp date on that is 1914.

Mr. BANKHEAD. Eighteen boats and how many rafts?

Mr. THORP. And eight rafts—all carried on the upper deck of the ship, and the total weight of the boats, rafts, and davits was 53,470 pounds. That was considerable weight, and it was way up in the air.

The other day, or at several times during this hearing, they have talked about the shipowners dodging responsibility. I want to read something about the crews. I want to read you some extracts from a letter I wrote to Senator Burton, December 31, 1912—10 years ago. At that time Senator Burton was chairman of the subcommittee of the Committee on Commerce of the United States Senate. This was following the hearing before which I appeared. I gave the time of leaving on two of our particular runs, which I will read into the record. On our Chicago and Milwaukee run—

On the day run the *Columbus* leaves Chicago 9.30 a. m. The wheelsman on watch when she leaves goes off watch at noon. The man that relieves him is on watch at the wheel until the seamer docks at Milwaukee, which is 2.30 o'clock p. m. The same man takes her out of Milwaukee 4.30 p. m., and is relieved at supper time by man that went off watch at noon—

Mr. KIRKPATRICK. When you say supper time, you mean 6 o'clock?

Mr. THORP. Yes; that is 6 o'clock.

* * * And this man is at the wheel until the steamer docks at Chicago, 9.30 p. m. You can see that the entire time in each 24 hours spent by each man at the wheel does not exceed five hours.

On the night run, Chicago to Milwaukee: In the summer time steamer leaves either end of route 9 p. m., stopping at Racine both north and south bound. The wheelsman on watch at time of leaving is relieved at midnight. If steamer is northbound, between 1.30 and 2 a. m., stop is made at Racine, time in port averaging about one hour. The run, Racine to Milwaukee, about two hours, the steamer remaining from 12 to 15 hours both at Chicago and Milwaukee, leaving about 7 hours' watch of the 24 at the wheel, and the time is divided between the two wheelsmen.

Mr. HARDY. This is all a new line of testimony you are putting in now. You did not say anything about that in your original examination.

Mr. THORP. I understood the committee wanted all the light on the subject they could get.

Mr. HARDY. It might be the other side would want to traverse that whole matter.

Mr. THORP. You can strike it all out if you wish.

Mr. HARDY. I do not wish to strike it out, but I want both sides to be heard on everything.

Mr. THORP. I started to read something else, and this was in the letter.

Mr. HARDY. This brings in a lot of new matter that the other parties have not discussed.

Mr. THORP. Oh, yes; it has all been discussed by both sides; I beg to differ with you on that.

Mr. HARDY. They have not discussed this statement of yours.

Mr. THORP. They have discussed the wages.

Mr. HARDY. But this is an entirely new statement.

Mr. THORP. You may strike it out if it is going to prolong this hearing.

Mr. HARDY. I only want both sides to be heard on every question.

Mr. THORP. I say it can be struck out if it is going to prolong the hearing.

Mr. FURUSETH. That is not for you to say.

Mr. THORP. Mr. Chairman, I object to being interrupted by Mr. Furuseth.

Mr. HARDY. Just let me say what I want to say about that. I do say that this is matter that was not brought out in the beginning.

Mr. THORP. And I do say it can be struck out if it is going to prolong the hearing.

Mr. HARDY. It will be for the committee to decide whether we want it struck out or whether we want to hear from the other side.

Mr. THORP (reading):

Since returning from Washington have discussed with Mr. Goodrich, president of this company, many of the matters that were brought out at the hearing. Mr. Goodrich believes that in order to safeguard the lives of passengers and crews on steam vessels operating under United States laws Congress should enact legislation that will materially assist the managers of steamship lines to maintain first-class discipline.

My reason for bringing that in at this time is I am going to show you that discipline is not maintained and can not be maintained under this present law.

Mr. HARDY. Is there anything in this bill about discipline?

Mr. THORP. It is information I am giving the committee now.

Mr. HARDY. But is it on the bill?

Mr. THORP. It is information. I understood you want all the information you can get.

Mr. HARDY. Go ahead.

Mr. THORP (reading):

Every member of the crew, with the exception of women employed as stewardesses, etc., should be able to assist in lowering lifeboats, also be able to row, and in the event of disaster to assist passengers, instead of, through lack of drill, be nothing more or less than just so many additional passengers.

Understand, this was written to Senator Burton in 1912, before the bill went into effect. And that is done by one of these people who are so much against safety at sea. Continuing:

The shipowner or operator must have the help of the Government laws before the full efficiency of crews will be obtained, no matter the wage or number of crew, and hope that this will come to pass.

Mr. Chindblom is not here, but he will bear me out in this. I want to go back to one of these statements that was made. A certain place on the Great Lakes has been designated here as the graveyard of the Great Lakes. I want to tell you gentlemen that in practically every district on the Great Lakes there is a place known as the graveyard of the Great Lakes. At Sturgeon Bay, Wis., particularly where we operate steamers, there is a place known as the graveyard of the Great Lakes. It is given that name because of the fact there is a concern there that buys up every old steamboat they can get hold of, puts them either in its stone trade—rebuilds them—or wrecks them. And there are scattered along that beach many, many ships of different kinds, and it is known as the graveyard of the Great Lakes. And that is how some of these places get their names.

We were on the matter of safety. They testified here about five coast guard stations being in a certain district. I want to tell you now I live within a mile and a half of a little coast guard station at Groves Point, 12 miles north of Chicago. There is a coast guard station there, Government operated; there is a coast guard station at the harbor entrance at Chicago; there is a coast guard station at Jackson Park, about 7 miles south of Chicago, and there is another coast guard station farther south, or about 12 miles south of Chicago. So that within 24 miles, at Chicago, there are four coast guard stations. Mr. Chindblom will bear me out on this.

When you had your radio hearings I was in communication with Congressman Chindblom, who, by the way, represents the district in which I vote. He wired me about a number of things and we distinctly said—and we have fought for this for years, gentlemen—that if you want to make for safety on the Great Lakes equip your coast guard station with your wireless. We have hammered that and hammered it at your committee and everybody else, and this is not anything new. And we are talking about something concrete for safety.

The other day there was considerable said about Canadian registry and how easy it was to get the Canadian Government to take a boat or certificate a boat that had American registry. That is absolutely untrue. Our own company within the last 60 days had a customer for a tug we owned, located at Manitowas, the tug *Arctic*. She was inspected by the Canadians, who wanted to buy the tug, but because of the fact the inspection laws of Canada are so rigid and that her boiler allowance, the steam pressure, would be so reduced that they could not use her in the trade they wanted to, we lost the sale of that tug. Now, this is all true, and I am not guessing at any of these things at all.

Now, about competition. There was nobody here to refute these statements about the competition between the Canadian ships and the American ships on the Great Lakes—the passenger lines I am talking about now. Detroit and Windsor are on either side of the Detroit River, one in Canada and the other in the United States. The Canadian boats advertise in the Detroit papers and throughout the West, and they come down and make rates from Windsor. People go over from Detroit and take that boat in Canada—American people do. The same thing prevails at Port Huron. On one side is Sarnia; on the other side is Port Huron. This Canadian ship can not take passengers from one American port to another, but she can

take them from right across the river at a very much lower rate than the American ship can make, and they do take them from there up to Duluth. So that they are competing. And they are very, very strong competitors.

The same thing used to prevail—I do not know whether it does now—up at Vancouver. You could take a boat right across the bay and pay the charge for taking you from the American port into Canada and get a better rate to San Francisco, from the Canadian port, than you could from the American port to San Francisco on the same ship.

These are absolute facts; everything I say can be substantiated. It is not guesswork at all.

The other day Mr. Hardy gave us a little history of what happened before the seaman's bill was enacted and how it was handled. I am going to read to you from the New York Sun of November 18, 1915, a letter from Senator Gallinger:

Under date of November 10, I noticed in the Sun that Assistant Secretary of the Treasury Malburn comes to the rescue of the La Follette bill, charging that the Republicans allowed the conference report to pass without protest.

Nothing could be further from the truth. The fact is the report was agreed to by the Senate under circumstances that are not at all creditable to its promoters.

On the day it passed Senator La Follette had his desk piled with papers for the purpose, as was stated, of speaking on the report, and Senator Hoke Smith, of Georgia; Senator Weeks, of Massachusetts; and other Senators, of whom I was one, signified our purpose of speaking against it.

It was understood that Senator La Follette would follow the Senator who had the floor at a certain hour, at which time Senator Smith went to his committee room to get some papers bearing on the subject. I was called to the Marble Room to meet a friend and Senator Weeks was engaged when the bill was snapped through without any one of those who were to oppose it having the least idea that such a procedure was in contemplation.

I was absent from the Chamber not over 10 minutes, and Senator Smith returned about the same time I did. I never was more surprised in my life than I was to learn that the report had been adopted during my absence. The Congressional Record will show that Senator Smith entered a protest the next day and moved a reconsideration of the vote, which motion was defeated, as I remember, by a bare majority.

My candid opinion is that if the measure had not been rushed through as it was the conference report would have been defeated; but, however that may be, Assistant Secretary Malburn would better make careful inquiry before charging the responsibility of its passage upon the opponents of the measure.

In addition to this, to my knowledge certain Senators voted for the adoption of the conference report upon the ground that they had received assurances that the bill would be vetoed by the President. The precise nature of the assurances that they received I am unable to state, but that that argument was used as a reason why the report might be safely agreed to is beyond doubt: but, as has usually happened during this administration, the assurances that had been given that the President would exercise his veto came to naught.

It was a bad job, and the miserable legislation either ought to be amended in important particulars or repealed outright at the first opportunity.

J. H. GALLINGER.

CONCORD, N. H., November 15.

Mr. HARDY. Let me call your attention to the fact that in my statement I said absolutely nothing about what took place on the floor of the Senate. I only referred to the committee report.

Mr. THORP. It was referred to, about how it had been handled, and there is Senator Gallinger's statement.

Mr. HARDY. But it has been stated in evidence that on a motion to reconsider about two-thirds, or a big majority, voted against the motion.

Mr. THORP. There is Senator Gallinger's letter.

Mr. HARDY. I do not know anything about that, and Senator Gallinger don't know, either, from his letter.

Mr. THORP. He is not here, of course.

Mr. HARDY. I say his letter; I am taking his letter.

Mr. BRIGGS. You have the record, anyway.

Mr. HARDY. Yes; the record will show what was done.

Mr. THORP. I am going to read to you now some of the things that have happened on the Great Lakes with our own company. The water tenders, oilers, and firemen's union and the seamen's union, on July 29, 1918, were on the verge of striking for a raise from \$85 per month to \$100 per month. It was only through the efforts of the Shipping Board that the men did not go out. As a matter of fact, due to delay in telegrams reaching union headquarters in Chicago that adjustment had been made, the seamen's union and the oilers, water tenders, and firemen on every passenger boat in Chicago did walk out.

Mr. HARDY. I call attention to the fact this is not in rebuttal of anything, but is new matter being brought out. The gentleman discussed the union, and discussed it at great length, in his original testimony. That has been replied to, and this is certainly new matter being brought in.

Mr. THORP. This is information for the committee, and I shall insist upon it being heard.

Mr. HARDY. I want it heard, but I want the other side to have an opportunity to be heard if necessary, or if they desire it.

Mr. THORP. As I said, due to a delay in telegrams reaching union headquarters in Chicago that adjustment had been made, the seamen's union and the oilers, water tenders, and firemen on every passenger boat in Chicago did walk out, and many passenger steamers, with large numbers of passengers aboard, were delayed in leaving Chicago from one to three hours. At one time in 1918 the largest passenger line on Lake Erie did not turn a wheel for three days, in the busy passenger season, on account of the walkout of the firemen and seamen.

There were also statements made here by the witnesses bearing on the patriotism of their men and their union. Their pay during the war was much greater than it ever had been, and what happened:

On a steamer that went into the submarine zone, nothing more or less than they must be paid a bonus. Think of that for patriotism. Did you ever hear of our soldiers or sailors demanding extra compensation because they had to pass through the submarine zone? Did they not take the same chance as the crews of the ships that they were on, and how about the soldiers in the front-line trenches and those called upon to go "over the top"? Did they demand extra or more pay? Well, hardly. The crews of the ships that were in overseas service should be given all the credit they deserve for helping win the war, but that part relating to the bonuses is far from creditable and will be a blot on their record for all time.

And they became ashamed of it finally, one organization did, and decided they would no longer require the bonus.

I will read you a letter now that I wrote to Hon. William B. Wilson, Secretary of Labor:

CHICAGO, August 17, 1916.

SIR: We desire to call your attention to the situation that confronts steamship owners, especially passenger steamship owners, on the Great Lakes:

On Saturday, May 20, at 8.30 in the morning, without a moment's warning, every wheelsman, lookout man, watchman, oiler, fireman, and coal passer employed on the passenger steamers at this port walked out. Two steamers of this line were held up until late at night and one from about 3 p. m. until late at night. Only in a roundabout way were we able to learn the reason for their action. Every effort was made to get in communication with the officials of the labor organizations, but it was after 12 noon before we could reach them. An appointment was made for a conference at 2.45 p. m., but it was a little after 3 p. m. before the parties reached this office. Conference lasted until about 5 p. m., when the unions' representatives left with our proposition (copy herewith, marked "Exhibit A"). This was to be considered without delay and an answer given us promptly, but we did not hear from them until almost 9 o'clock.

This company had three steamers in port, two loaded and ready to leave, one with in the neighborhood of 100 passengers aboard. The leaving time of this steamer is 7.45 p. m. She finally got away at 9.59. The other steamer, that was loaded, was due to leave at 7 p. m., got away at 10.44 p. m.

The unions turned down our proposition (Exhibit A), and it was not until we signed the agreement presented by them (copy, Exhibit B, herewith) that we could move a steamer.

Mr. HARDY. Mr. Chairman, I believe I will object to this as not being pertinent to the bill at all, unless the gentleman wants to suggest we put some amendment in the bill to prevent strikes.

Mr. THORP. Mr. Hardy has said throughout this hearing, not only to our side but to the other side, that the committee wanted to get all the information they could, and I believe this is information the committee should have.

Mr. HARDY. I am not so particular about it except this is new matter being brought in on the question of strikes and the other side will want to be heard and it will take up to-day and to-morrow.

Mr. THORP. We have been asked by you and the committee to show what effect the bill had on the Great Lakes, and we are showing it.

Mr. HARDY. Did you not go into that?

Mr. THORP. No, sir; I did not.

Mr. HARDY. I think you showed, at length, the psychological effect at least was to encourage strikes.

Mr. THORP. I am showing you what it did do.

Mr. HARDY. Did you not go over that whole matter when you were on the stand before?

Mr. THORP. I did not show you what it did do; no, sir; and I have heard you ask many of the witnesses here since to show something it did do and I am going to show you what it did do.

Mr. HARDY. And now in closing the testimony you bring in a lot of new matter.

Mr. THORP. I have found something I did not know I had with me.

Mr. GAHN. We decided Saturday we would not follow court procedure, but would give both sides all the opportunity they wanted, provided they limited the hearings to a reasonable time.

Mr. HARDY. I will withdraw the objection, but it seems to me we are going outside of the bill, and it will just unduly prolong the hearing.

Mr. THORP. I will finish to-day, gentlemen, if I am given a chance to do it.

You will note, from our proposition (Exhibit A), that we were ready to pay the wage scale, take back the men that had walked out, and make no discrimination against the members of their organizations in filling positions on steamers that were yet to go into commission. This, however, did not satisfy them. They insisted that the able seamen necessary under the seamen's act must be members of their organization.

That is one of the things I want to show you.

The men that we have engaged as able seamen, outside of the petty officers, we had contracted with for the season at \$50 per month. The men were perfectly satisfied and not one of them walked out.

Our objection was to including men that were not members of their organizations and who were not involved in the walkout.

The original of Exhibit B was dictated by Mr. Victor Olander, international secretary of the seamen's union, and in typewritten form submitted to us for our signature, and this agreement we were forced to sign before we could move any one of our steamers at Chicago. We signed this in good faith and have kept faith since, never once having had a complaint, nor have we ever been once asked to meet a committee from any organization interested.

And the date of that agreement was previous to the walkout.

We went along feeling that we were being protected for the season of 1916, as stated, and at least until the matter of fall wages would be up for consideration. Much to our surprise, however, on Tuesday, August 8, we were informed that delegates from the seamen's union and the marine oilers', water tenders', and firemen's union had notified the members of their organizations employed by this company that their wages from August 7, the day previous, would be \$10 more per month than in the past. This affected 221 men, or an increase of \$2,210 per month to our operating expenses, without any possibility of our being able to do anything in the way of increasing our earnings to offset this unlooked for increase.

As soon as we became aware that the men had been notified by the unions of the increase, we called up the officials of the unions and asked what it meant, as we considered we had an agreement covering the season which was not yet over. We were then told that the committee would meet with us for a discussion of the matter, and a meeting was finally arranged for the following day.

Understand, the delegates of the unions had already notified the men that they would receive the increase. The unions' officials, however, did not come near the officials of this company.

During the conversation, after we had gotten together Mr. Olander was taken to task for not keeping his word in connection with the agreement of May 20. He became incensed, and although we agreed to the increase, called out all quartermasters, lookoutsmen, watchmen, oilers, water tenders, firemen, and coal passers on our steamship *Alabama* and our steamship *Indiana*, the two steamers we had in port at the time. Mr. Olander and the other union representatives were finally prevailed upon to come back to our office, and, after a lengthy conversation, the men called out were allowed to return to work.

The fight between the unions and the organization known as the Lake Carriers' Association (the passenger lines do not belong to this association) should not be used as a club over the passenger lines. We are subject to the jurisdiction of the Interstate Commerce Commission, making it impossible to increase our rates at any time without giving 30 days' notice; then, too, we are in close competition with the railroads in our territory and can not raise our rates unless the railroads do. So we have no means of offsetting the increased oper-

ating expense brought about by the seamen's act, which is giving the labor unions power to force the payment of a wage scale all out of proportion to earnings. The bulk or coarse freighters are able to secure carrying rates based upon the supply and demand. They have no tariffs. Their business this year has been so good that they can afford to pay high wages.

It is said that the unions are now voting on a still greater increase for fall. Just why the wages should be further raised or why fall wages should be higher than in any other season we fail to see. If anything, the work is easier to perform at this season of the year.

The unions are taking full advantage of the power given them by the seamen's act to kill off the commerce of the Great Lakes. This is being done as fast as possible. We no longer control our properties. The class of help never was so poor as this year. The Government tells us how many men we shall employ and what their supposed qualifications shall be. This has given the unions the opportunity they have been longing for. The men are not better off, as a matter of fact—just have more to spend for drink. The increased crews make increased troubles for the licensed officers. There are that many more irresponsible men to deal with. The percentage of troubles has increased more than the number of employees are increased, for under present conditions the licensed officers have to deal with a general demoralization of their crews. The whole matter has gone from bad to worse, and the end is not yet in sight.

It is earnestly hoped that if any Government official has any influence with the labor organizations that they will point out to the organizations the great difference there is between the bulk carrier and the package freight and passenger carrier in so far as earnings are concerned, and that such officials will use their influence in attempting to place the wages on a more equitable basis.

That was the letter to Mr. Wilson. The agreement that we had—the men went out on May 20—this is very important, gentlemen, regardless of any new issue; there is no new issue; the issues are just the same. Here is a letter I wrote, Exhibit B, to the lake seamen's union, marine firemen, oilers, and water tenders' union, May 20, 1916:

We hereby agree to pay a minimum scale of \$60 per month to all men employed on our vessels in the following capacities: Quartermasters, lookouts-men, watchmen, able seamen, firemen, oilers, water tenders; to coal passers, \$35 per month. We further agree to employ members of your organizations in the above-mentioned capacities; this agreement to cover the season of 1916. With the further understanding that we are to meet with committee representing your organizations to consider the matter of a fall wage scale and such other questions as you desire to bring before us.

That was dictated at the instance of Mr. Olander. Here is my letter to Mr. Olander:

Confirming conversation at this office this Saturday afternoon, May 20, this company agrees that it will pay the following employees, wheelsmen, lookouts-men, watchmen, water tenders, oilers, and firemen, at the rate of \$60 per month.

That this rate will be paid to men occupying these positions on the steamers that go into commission after this date, and that there will be no discrimination against members of your organization in filling the positions on these steamers that are yet to go into commission.

Not being advised or aware that employees carried in other than the before-mentioned positions were to be considered at this conference, I am not in a position to take this matter up for settlement, but will be pleased to take the matter up Monday, May 22, at any hour that will suit your convenience.

That was in 1916. I will read from the agreement this year. Here is an agreement with one of the organizations not represented here, but affiliated with those that are. It is dated April 13, 1921:

It is also agreed between the Goodrich Transit Co. and the Marine Cooks and Stewards' Union of the Great Lakes that members of the steward's department

will be requested to become members of the Marine Cooks and Stewards' Union after a trial of one week, if during which period it is found that the service of the man or men are entirely satisfactory to the Goodrich Transit Co.

They allow us to take nonunion men, but they must agree that they will become members within a week.

There was a very, very unusual statement made here the other day by one of the witnesses, charging the steamboat owners with murder and being thieves—absolute murder—the most outrageous statement I ever heard made in my life. Either the man who made that statement knows nothing whatever of the conditions or he is making a willful misstatement, that he can not in any way, shape, or manner verify or substantiate. He said, as you will recall, that people owning ships insured them and sent them to sea in a condition where the crews were lost and the owner collected the insurance money; that subsidiary companies were organized and each ship put into a separate company. Gentlemen, I do not believe that any such thing ever existed on the Great Lakes in any company. I do not think there is a company on the Great Lakes that has ever done any such thing as that. Now, he makes a broad statement.

We own six ships; we have had as many as 10. They have always been under one ownership, absolutely. I want to inject something into the record of this insurance question that perhaps you people are not acquainted with. Evidently the other side are not. I will go back to the steel company's custom—they do not carry any insurance at all. They are insurers for their own ships; they do not carry them in any old-line companies nor London Lloyd's. They can afford to lose a boat each year and it would not offset the premiums they pay. The premiums would be greater than the value of the ship, and they do not insure at all.

Mr. HARDY. You are talking about——

Mr. THORP. The United States Steel Corporation, the Pittsburgh Steamship Co.

Mr. HARDY. They have a great many ships.

Mr. THORP. They have 98 ships themselves this year. This is what happens on the passenger boats. These men do not know what they are talking about. I have been in this business for 38 years, and I have been all through the mill. I own practically one-third of the company I am here representing, and I own it outright. I am not sent down here, being paid by somebody else, talking against this bill; I am talking for my own property absolutely.

Now, this is what happens: We attempt, just as far as we can, to hammer what is known as the insured valuation down to just as low a point as possible. In every policy there is an insured valuation. It says right in the policy how much the valuation of that ship is to be. We then carry insurance up to the maximum amount of that insured value. If we have a total loss, we lose. We gamble against that. And we have had total losses, too, and lost. But on partial losses, any loss up to a total loss, the insurance company pays us in full; in some cases absolutely in full, and in some cases there is a small deductible average of not over \$500. And they pay us the total amount of that partial loss, and it is the partial losses that hit the insurance companies. So that in having the insured value 50 per cent of our actual value—and we insure to our insured value—we are

carrying no hazard at all. No loss falls on us unless it is a total loss or above the insured valuation.

Now, I want to tell you gentlemen that the last year the insurance companies themselves insisted on many of the boats on the Great Lakes carrying more insurance—absolutely insisted upon it. That can be proven absolutely. They said, “You have a greater valuation there, an increased valuation. Your valuations have gone up, so your ships are worth more per ton, and we want more premiums for insuring them. And they arbitrarily raised the value per ton and they always establish a value per ton. Talking about trying to get out of carrying insurance, we are made to carry more insurance. I am telling you they do not know what they are talking about. It takes a man who is in the game; he has to pay the bills and he knows.

Mr. SCOTT. Do you intend to cover the feature brought out by representatives of the labor organization that their work is extremely hazardous and they are unable to get insurance except at a high rate? Do you intend to cover that?

Mr. THORP. I will answer the question now by saying our company carries insurance and operates boats the year around—we carry insurance for 365 days. We have hull insurance, cargo insurance, and protection of indemnity.

Mr. BANKHEAD. With reference to the rate for life insurance, in the event those men wanted to insure their lives—that is what Mr. Scott had in mind.

Mr. THORP. I do not know anything about that at all; I do not know anything about what the insurance rates are on the individual.

Mr. SCOTT. Don't you insure your men on your ships?

Mr. THORP. Our protection indemnity covers that and that covers collisions as well as many things besides and we are protected against loss. In 40 years we have not lost a passenger by disaster and not one member of the crew by disaster—in over 40 years. In 1917, I think it is, we did have 1 man killed in accident and 16 passengers. It was not a marine disaster at all. It happened on the Milwaukee River. The boat was being towed down with a tug at either end, and had to be turned—winded as we call it—at the forks of the river. And in swinging around she struck a steel structure, a water tank attached to a building, and in doing that its underpinning gave way and this tank came over and hit the ship and there were 16 lives lost.

Mr. GAHN. What was the name of that boat?

Mr. THORP. The *Christopher Columbus*. That was not anything for which we were to blame. A similar accident occurred this last year, where this boat swung across—by the way, this boat was 14 inches from the edge of the dock—and as she swung around, she had a spoon-shaped bow, and she struck this structure and this water tank came down.

Mr. BANKHEAD. Whose negligence was the cause of that accident?

Mr. THORP. That has not been determined. The reason for that is our company, or the insurance company, libeled the tug, and I do not think it has ever gone through to see whether the tug was liable or not. These people who were killed and injured were paid out of our indemnity insurance. The procedure is very much along the line of the procedure testified to here the other day, and I will give

you the history of that case—it won't take long—and how it does work out sometimes. We immediately petitioned for limit of liability in the United States court, and that petition was granted by the judge. The judge then appointed appraisers to appraise the ship in her then present condition, and she was appraised at a value considerably above the insurance we carry. When the appraisement is O. K'd by the judge, the next procedure is to advertise. They sent out what they call a monition, and in that they called upon anyone who has a claim against that ship to make their claim.

The claims amounted, gentlemen, to about \$300,000 to \$350,000, and we were carrying \$100,000 protection of indemnity insurance. Not one of those cases ever went into court: they were satisfied in open court from the insurance we had, and all of it was turned over to those people. Most of the claimants put their claims in the hands of the same lawyers; there were very few lawyers interested in the claimants' side, and we had only one, and between them they fixed the thing up and we sent a check to the court.

A great deal was said the other day, or "Two Years Before the Mast" was quoted. I suppose the man who quoted it did not think anybody else had ever read it. I happened to have read the story. I have it here, and I want to quote from that book. To begin with, this is a narrative of the sea. It is a diary based on actual facts of Richard Henry Dana. It happened many, many years ago.

As to Richard Henry Dana, jr., the author of this book, the reader may wish to know something. He came back from his two years' trip in 1836, "in a state of intellectual famine, to books and study and intercourse with educated men." He had left his class at Harvard at the end of the sophomore year (1833) on account of the trouble with his eyes, and sailed about a year later.

That is the beginning of Richard Henry Dana. I want to read you something that happened. This ship left Boston:

As she was to get under way early in the afternoon, I made my appearance on board at 12 o'clock, in full sea rig, with my chest, containing an outfit for a two or three years' voyage, which I had undertaken from a determination to cure, if possible, by an entire change of life, and by a long absence from books, with a plenty of hard work, plain food, and open air, a weakness of the eyes, which had obliged me to give up my studies, and which no medical aid seemed likely to remedy.

The change from the tight frock coat, silk cap, and kid gloves of an undergraduate at Chicago to the loose duck trousers, checkered shirt, and tarpaulin hat of a sailor, though somewhat of a transformation, was soon made; and I supposed that I should pass very well for a jack tar. But it is impossible to deceive the practiced eye in these matters; and while I thought myself to be looking as salt as Neptune himself, I was, no doubt, known for a landsman by everyone on board as soon as I hove in sight. A sailor has a peculiar cut to his clothes and a way of wearing them which a green hand can never get. The trousers, tight around the hips and thence hanging long and loose around the feet, a superabundance of checkered shirt, a low-crowned, well varnished black hat, worn on the back of the head, with half a fathom of black ribbon hanging over the left eye, and a slip tie to the black neckerchief, with some of the other minutiae, are signs the want of which betrays the beginner at once. Besides the points in my dress which were out of the way, doubtless my complexion and hands were quite enough to distinguish me from the regular salt who, with a sunburned cheek, wide step, and rolling gate, swings his bronzed and toughened hands athwartships, half opened, as though just ready to grasp a rope.

With all my imperfections on my head I joined the crew, and we hauled out into the stream and came to anchor for the night. The next day we were employed in preparation for sea, reeving studding sail agear, across royal yards,

putting on chafing gear, and taking on board our powder. On the following night I stood my first watch. I remained awake nearly all the first part of the night from fear that I might not hear when I was called. And when I went on deck so great were my ideas of the importance of my trust that I walked regularly fore and aft the whole length of the vessel, looking out over the bows and taff rail at each turn, and was not a little surprised at the coolness of the old seaman whom I called to take my place, in stowing himself snugly away under the longboat for a nap. That was a sufficient lookout, he thought, for a fine night, at anchor in a safe harbor.

Wednesday, November 5 (same year, around Cape Horn) —

MR. BANKHEAD. Mr. Chairman, I want this witness to have every possible latitude in answering the other side, but reading from a diary in 1837 I do not think tends to throw much light on this controversy.

MR. THORP. I want to call your attention to the fact one of the witnesses quoted this book. I would not have brought this book into the thing if it had not been quoted, and from this book I intend to show you how much skill it needs to become proficient in handling a boat.

MR. BANKHEAD. I leave it to the discretion of the chairman: I have no objection to it.

MR. THORP. It won't take me 5 minutes. It was quoted from by the other side.

"Here comes Cape Horn," said the chief mate; and we had hardly time to haul down and clew up before it was upon us. In a few minutes a heavier sea was raised than I had ever seen, and it was directly ahead, the little brig, which was no better than a bathing machine, plunged into it and all the forward part of her was under water, the sea pouring in through the bow ports and hawse holes and over the knightheads, threatening to wash everything overboard. In the lee scuppers it was up to a man's waist. We sprang aloft and double-reefed the topsails and furled the other sails and made all snug. But this would not do: the brig was laboring and straining against the head sea and the gale was growing worse and worse. At the same time sleet and hail were driving with all fury against us. We clewed down and hauled out the reef tackles again, and close-reefed the fore topsail and furled the main and hove her to on the starboard tack. Here was an end to our fine prospects. We made up our minds to head winds and cold weather, sent down the royal yards, and unrove the gear.

This night (this is Thursday, Nov. 6) it was my turn to steer, or, as the sailors say, my trick at the helm, for two hours. Inexperienced as I was, I made out to steer to the satisfaction of the officer, and neither Stimson nor I gave up our tricks all the time that we were off the cape. This was something to boast of, for it requires a good deal of skill and watchfulness to steer a vessel close hauled in a gale of wind against a heavy head sea. "Ease her when she pitches" is the word, and a little carelessness in letting her ship a heavy sea might sweep the decks or take a mast out of her.

This man steered that ship around Cape Horn in less than three months from the time he left Boston.

MR. HARDY. It is harder to steer the ship when it is running than when it is just under a wind, is it not?

MR. THORP. Sir?

MR. HARDY. It is harder to steer the ship when it is running in difficult seas?

MR. THORP. Why, certainly it is.

In reading the story of this Harvard College undergraduate's experience, one should bear in mind, to appreciate the dangers of his rounding the cape, that the brig *Pilgrim* was only 180 tons burden and 86 feet and 6 inches long, shorter on the water line than many of our summer sailing sloops and schooner yachts.

And he steered that ship around, a man who had never been aboard a ship before in his life, so that you can have an idea how much time it takes and how much skill it takes for a man to handle a ship in a gale of wind off Cape Horn.

Our company was accused of having Italian sailors, at least on some of its boats. I plead guilty; we have Italian sailors. The Italian sailors have the United States able seamen's certificates and United States certificated lifeboat men's certificates. The Italian sailors are members of the organization represented by some of the witnesses and pay dues to their organization and have always done so, so far as I know.

Mr. CHINDBLOM. Italy is something of a seafaring nation, is it not? My recollection is that Italy is pretty nearly surrounded by water.

Mr. THORP. I will say this, with all due respect to the American, that if you can find anybody who knows more about it than the Italians I would be glad to see them. And we would not be carrying Italian sailors if we could get other men or it was not for the fact that the men, for the greater part, who belong to the unions, have not the skill they talk about, have not the sobriety and do not apply themselves to their jobs. If we could get them, why we would not send down to New York and pay their fares back and forth. The skill that has been talked about by two of these men, when they are talking about foreign born, I want to say something about foreign born. Two of the witnesses who have testified here are foreign born. They have testified as to the skill; they have testified to that among other things. Now, I am not finding any fault with that, because my father and mother were foreign born and came over to this country when they were very young.

Mr. HARDY. Did you say these Italians were members of the union; I did not understand?

Mr. THORP. We could not carry them if they were not. These men talk about skill. Not one man who has testified here has ever become a licensed officer, either in the engine crew or on deck—not one.

Mr. GAHN. Did you say you could not carry them if they were or were not members of the union?

Mr. THORP. If they were not members of the union. Two of these men are foreign born. They talk about skill. One of them was known as Deep-Sea O'Brien and he has a reputation all over the Lakes of being a disturber and disorganizer. He could not work on a passenger boat on the Great Lakes that I know of; they would not have him. I know I would not have him; he could not work for me if he worked for nothing—absolutely. He is known as a forecastle lawyer. A forecastle lawyer is a man, in general parlance, who knows a little about everything and not much about anything. And that is his reputation from one end of the Lakes to the other. And he could not work for me if he worked for nothing.

Mr. BRIGGS. Who did you say that was?

Mr. THORP. Deep-Sea O'Brien.

I have wired for certain information to Chicago and I have been getting these telegrams and one of them relates to the number of passengers our company has carried for the last 10 years. I will read it to you. Number of passengers carried in 1910, 343,000; 1911, 339,000; 1912, 305,000; 1913, 322,000; 1914, 295,000; 1915, 189,000;

1916, 289,000; 1917, 132,000; 1918, 212,000; 1919, 406,000; 1920, 369,000. Total, 3,201,000.

In reference to the number of passengers carried in 1917, 132,000: This was the year that the water tank fell on the steamer *Christopher Columbus*. The accident occurred the third day of the season and the steamer was out of commission the balance of the year. She was our largest passenger vessel, allowed 2,828 passengers. Consequently the number of passengers carried during the season was materially reduced—probably over 100,000.

Mr. DAVIS. What line is that?

Mr. THORP. That is the Goodrich Transit Co., the line of which I am president.

Mr. BRIGGS. What was the period of operation during which those passengers were carried?

Mr. THORP. Each year.

Mr. BRIGGS. The whole year; for you season, or what period does that embrace?

Mr. THORP. That is for the full 12 months. But we do not do much passenger business, or rather our heavy passenger business is during the school vacation.

Mr. BRIGGS. What months would that be?

Mr. THORP. July and August. Our largest excursion ship operates between Chicago and Milwaukee, doing an excursion business. In fact, we are the only people operating excursion ships out of Chicago at the present time. This boat is 200 feet long.

Mr. HARDY. I want to ask you a question in regard to what you said about Mr. O'Brien. Did you offer him a job in 1920?

Mr. THORP. No, sir; I did not; I never offered him a job. I will take an oath I never offered him a job.

Mr. HARDY. Did your company do it?

Mr. THORP. No, sir; not to my knowledge. I would not have allowed it.

Mr. O'BRIEN. Will you mind my calling your attention to the fact that in the conference in Detroit that you offered Mr. Conway and myself a job, and after Mr. Conway refused you turned to me and said, "What about you, Mr. O'Brien?"

Mr. THORP. If you say that, you are saying what is absolutely untrue.

Mr. HARDY. Your testimony and his testimony are before the committee.

Mr. THORP. I did not want to interrupt him in his statements, but if he says that, I am saying now it is absolutely untrue, either one of them, and I will take an oath to it.

Mr. HARDY. He will be allowed to testify.

Mr. THORP. They can not bluff me for a minute.

Mr. HARDY. That is not the proper way to testify. I asked you a polite question, and a negative answer is your statement. Then he asked you a question. There was nothing in his question except if such and such a thing happened, and as a proper witness before this committee you should have answered yes or no.

Mr. THORPE. I am willing to have it all go in my testimony, every bit of it. I do not cut anything at all. The trouble is that these men have come here and been allowed to say and do anything they want to.

Mr. HARDY. But certainly they have not taken such liberties up to the moment that you are taking right at this time. You are taking occasion right in the presence of this witness here to engage in a denunciatory statement.

Mr. THORPE. I am telling the truth.

Mr. HARDY. Would you like to have one of them stand up here and state that you had not told the truth, and denounce you as a liar?

Mr. THORPE. If they had the basis that I have, I think they would do it.

Mr. HARDY. I do not know.

Mr. BRIGGS. Mr. Chairman, I do not think this is getting us anywhere. I think the witness should be allowed to proceed.

The CHAIRMAN. Let us go on with business.

Mr. THORPE. The *Titanic* was brought into the question here, two or three times, too, in the testimony. I want to say that I have here Senate Report No. 806, Sixty-second Congress, second session, on the *Titanic* disaster, by the Committee on Commerce of the United States Senate, which was called Senator William Alden Smith's committee. On page 4 it says:

The *Titanic* was fitted with 16 sets of double-acting boat davits of modern type. * * * The *Titanic* was provided with 14 lifeboats, of capacity for 65 persons each, or 910 persons; 2 emergency sea boats, of capacity for 35 persons each, or 70 persons; collapsible boats, of capacity for 49 persons each, or 196 persons. Total lifeboat capacity, 1,176.

On page 5 it says:

Including the crew, the *Titanic* sailed with 2,223 persons aboard, of whom 1,517 were lost and 706 were saved.

In regard to what happened to her, the report says, on page 8:

Leading Fireman Barrett saw the water rushing into the forward fireroom from a tear about 2 feet above the stokehold floor plates and about 20 feet below the water line, which tear extended 2 feet into the coal bunker at the forward end of the second fireroom.

As to distress calls sent out, they say, on page 9:

No general alarm was sounded, no whistle blown, and no systematic warning was given the passengers.

As to the capacity of lifeboats not utilized, the report says, on page 12:

The twentieth boat was washed overboard when the forward part of the ship was submerged, and in its overturned position served as a life raft for about 30 people, including second officer Lightoller, wireless operators Bride and Phillips—the latter dying before rescue—passengers Col. Gracie and Mr. Jack Thayer, and others of the crew, who climbed upon it from the water at about the time the ship disappeared.

On page 13, the report says:

It is evident from the testimony that as the list of the *Titanic* became noticeable the lifeboats scraped against the high side as they were being lowered.

If I had the time I would like to read you just what preparations the captain of the *Carpathia*, Capt. Rostrom made.

Here is a summary of the crew. Of the engine room department 72 were saved out of 214, over 30 per cent; of the deck crew there were 46 saved. It has been said that these boats were undermanned. She had 20 boats and 46 men were saved, and there were more than

two for each boat, of the deck department, that were actually saved. It does not look so bad. She was thoroughly manned.

Mr. SCOTT. How large a crew was carried in the *Eastland* at the time of the disaster?

Mr. THORP. I really could not tell you, offhand. The people that operated that boat, Mr. Scott, were new in the business. When she was overturned she was chartered for the day to another company, and I do not know, but I should think she had anywhere from 100 to 125 in her crew. I am not sure of that.

Mr. SCOTT. In that disaster she was tied at the dock and tipped over?

Mr. THORP. Yes, sir.

Mr. SCOTT. There were 812 people lost; 811 of them were passengers, and one of the crew was lost?

Mr. THORP. Yes. I knew some of the people that were aboard the ship, and talked to them after the disaster. In fact, I was up there within 30 minutes of the time she turned over and saw the attempt to rescue many people.

Mr. DAVIS. To what line did the *Eastland* belong?

Mr. THORP. I do not know what the name of that company was, because they had only been operating for a year or two. She was originally built for Lake Michigan, was taken down to Lake Erie, and was brought back to run from Chicago to St. Joe, Mich. This particular day the Michigan Electric Co. was making an excursion to Michigan City, and the Michigan City Line chartered her for that day. The photographs will show that when she had these people on her lines were not cast off even. She stayed right there with her lines fastened to the dock.

Mr. BLAND. Was she owned by your company?

Mr. THORP. No; she was built by people who were new in the business. There was one man named Harlow connected with it. I do not know anyone else.

Mr. DAVIS. Did that concern go out of business?

Mr. THORP. Yes.

Mr. CHINDBLOM. She is now one of the finest gunboats in the Navy?

Mr. THORP. Yes; the Government owns her now. She was bought by some insurance companies for some people to make a naval training ship out of—some wealthy people of Chicago—and then she was commandeered by the Government, remodeled, and her character changed, and was then and is being now operated as a gunboat.

Mr. HARDY. Was that sinking due to some mismanagement, or what was it due to?

Mr. THORP. My information is, Judge Hardy, that they did not have the right kind of crew aboard her, and the boat was constructed with water bottoms; that is, they put water in to ballast her. The crew came down, and she had a lot of people on. They expected this great crowd of people, and that is why these people chartered this boat for the day—and when I say “these people” I mean another steamboat company—to supplement their own boats to carry the crowd. And there is not anything worse than to have unconfined water in a ship, and she listed over; and instead of putting the water on the high side, it is quite apparent the engineer

put that water into the low side, and she kept going over until her gangways were submerged. She was a cranky ship, anyway. I have seen her go down through the Rush Street Bridge with a list like that [indicating].

Mr. CHINDBLOM. You mean a list of about 45°?

Mr. THORP. I know it was questionable whether she was going to get through the Rush Street Bridge or not. You know there is a very sharp turn there, Mr. Congressman.

Mr. DAVIS. The statement was made here the other day about the crew collecting on one side of the deck. With an ordinarily properly constructed ship, would that cause her to turn over?

Mr. THORP. This boat, as a matter of fact, gentlemen, was not an ordinarily constructed ship. I want to say that her construction was good, but the design was very bad.

Mr. DAVIS. That is what I have reference to.

Mr. CHINDBLOM. She always stood up high?

Mr. THORP. That has not got much to do with it, Congressman. It was her underbody. She had no bearings. She had what was called a barrel body, and there were not any bearings, and as soon as she took a list she went over. I came pretty near pulling into that thing at Grand Rapids, because they said I had said that the boat should never have been allowed to carry passengers. I did not say that, but I did say that with a reasonable number of passengers she would be all right; but with what she was allowed I do not think it was all right.

Mr. DAVIS. With excursion boats on the Lakes is it deemed important to take any precautions to prevent the passengers from collecting on one side of the vessel?

Mr. THORP. Well, in some cases it is not; it depends upon the ship. Some ships have a great deal more stability than others.

Mr. DAVIS. I had never heard of any controversy at all in that respect until the statement was made about the *Eastland*.

Mr. THORP. Let me tell you that within two years—I think it is two years—there was an identical case in New York Harbor. A ship just coming out of the shipyard, with nobody aboard, the *St. Paul*, laid over on her side and went down just the same as the *Eastland* did. There was no difference at all. She took a list and went down, and never did come up until they rescued her, and it was a long time before they did that. That was the transatlantic steamer, the *St. Paul*.

Mr. DAVIS. Was she tied to the dock?

Mr. THORP. No; they were trying to move her around the dock to her berth.

Mr. CHINDBLOM. Do you think the *Virginia* was narrow, in proportion to the *Eastland*?

Mr. THORP. No; and I will tell you why.

Mr. CHINDBLOM. She had that appearance from the bridge.

Mr. THORP. The Government made a technical test of all these ships up there, and we had private tests made of our ships. The *Eastland's* fault was in the design of her hull. She was just about the same length and the same beam, within a few inches, as the *Virginia*, that Mr. Ridley bought from the Government. That was a ship that was commandeered by the Government, a ship we built and

owned, and is now running from San Petro over to Catalina. There is hardly any difference in the dimensions of these ships, but a great difference in the design of the underbody of the ship.

Mr. CHINDBLOM. Did the *Virginia* stand up as high as the *Eastland*?

Mr. THORP. Oh, yes; higher; with the upper works she was considerably higher, because we put two extra tiers of staterooms on her.

Mr. CHINDBLOM. Then the trouble was below?

Mr. THORP. Absolutely. As a matter of fact, the upper works on a ship, when you get her out in a sea wave, steady her. It is just like the sail of a ship on a sailing boat. You steady your ship with the sails. We will take the ship that Mr. Frank Kirby commandeered during the Spanish-American War. She had a very bad reputation as a roller. She was flat, shallow, and wide, but she had what he called accessibility, and when he got her for the Government service he took her down to Cuba and used her as a lighter, lightering troops and horses ashore in Cuba during the Spanish-American War. The first thing he did was to get two big, husky steam launches, and put them on her upper deck, and he piled out on the outside along her bulwarks pig iron as high as he could. Since we have got that boat we have put two extra tiers of staterooms on her. She is very high, but she is a good deal better sea boat than she ever was. If you take a ship with a sail up, she will not jump around, because the sail steadies her. It is the same with a steamboat.

I will read some letters relative to discipline. The first is a letter from Mr. George B. McLaughlin, chief engineer of the steamship *Christopher Columbus*, dated Manitowoc, Wis., November 1, 1916, addressed to me as vice president and general manager of the company, which I was at that time.

(Mr. Thorp thereupon read the letter referred to, as follows:)

GOODRICH TRANSIT CO.,
S. S. "CHRISTOPHER COLUMBUS,"
Manitowoc, Wis., November 1, 1916.

Mr. H. W. THORP,

Vice President and General Manager, Chicago.

DEAR SIR: In reply to your inquiry of October 21 which states that since the seaman's bill has been in effect it has been impossible to get the firemen to attend fire and boat drills, especially while off watch, and if you insist on their doing so, they would quit and leave you shorthanded.

It was a common occurrence for them to quit just before the boat would be ready to leave on her regular trip, and they did not care whether we were able to get anyone to replace them or not.

As you know our average running time outside is about 9½ hours out of the 24 hours, and the rest of the time we are alongside of the dock, where one man, or at the most, two men are sufficient to do the work, which left one man who either slept all night or would be ashore drunk, but would insist on being paid full time just the same.

I must say that we had more trouble and less discipline among the men this season than ever before in my 22 years in the steamship *Columbus*.

Yours, respectfully,

GEO. B. McLAUGHLIN,
Chief Engineer.

Mr. HARDY. The seamen's bill expressly provides that fire drills shall be had, and that the members of the crew may be required to engage in those drills.

Mr. THORP. Maybe.

Mr. HARDY. I am talking about what the law says. Is it not true that the seamen's law requires the men to be all put through these drills?

Mr. THORP. It says in the seamen's law that all the men in the crew shall participate, but you can not make them participate.

Mr. HARDY. I am not talking about what you can make them do; I am asking how the law is.

Mr. THORP. I am interested in what you can make them do.

Mr. HARDY. I am saying that is the law.

Mr. THORP. Very plain. It was read here before, I believe.

Mr. HARDY. What can you do to enforce discipline except to pass laws like this one, like the seamen's law requiring these drills to be done?

Mr. THORP. That was after the present law passed——

Mr. HARDY. You spoke about wanting laws to enforce discipline. What can you do——

Mr. THORP. You can draw your own conclusion, if you will let me proceed and read the other letters.

Mr. DAVIS. What was the date of that letter?

Mr. THORP. November 1, 1916, after the close of that boat's season. Now, I will give you specific cases, the names of the men, the time of day, and everything else.

Mr. HARDY. I do not doubt that you have had troubles; we know you have; everybody knows that; but I am asking you what fault there is in the law?

Mr. THORP. That letter was from the chief engineer. Here is one from the master of another vessel.

Mr. SCOTT. What portion of the law provides that they shall engage in the drills, Mr. Hardy?

Mr. HARDY. You will find it there that nothing in this law shall prevent the boat owners from requiring the crew to participate in these various drills. It says:

The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fire-room, or vice versa; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole or any part of the crew are needed for the manœuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, and other drills.

Mr. SCOTT. I am familiar with the language of the law, but I understood him to say that there was something in the law which compelled attendance on boat drills, but I did not know——

Mr. THORP. There is no penalty if they do not, absolutely no penalty. That is very clear.

Mr. SCOTT. Do you insist there is nothing in the law that precludes the officer from compelling them to attend drills?

Mr. HARDY. It leaves the officer with full authority to require attendance, and if they do not obey, then the question of penalties comes in?

Mr. SCOTT. Yes.

Mr. THORP. I will now read a letter from D. J. McGarity, master of the steamship *Carolina*, Goodrich Transit Co., dated Chicago, October 22, 1916, addressed to myself, and reading as follows:

During the season just passed it has been thoroughly demonstrated that the seamen's law is a great hardship to the masters and mates of steamers that are required by law to carry a large number of able seamen. In the first place, the seaman's knowledge that the law requires him has made discipline an absolute farce. The men were not only insolent in their bearing toward the officers, but on numerous occasions told the mates point blank that they did not ship on the boat to work, and that now that we are compelled to carry them we were going to dance to their music.

Such things as this usually happened when the boat was out in the lake, and in nine cases out of ten we were headed for a port where it was impossible to secure another man, so in a great many cases we were forced to put up with such men for a week at a time before we could get another man to take their place.

I could name dozens of cases where men refused duty out in the Lake, where men would go ashore and come back drunk at the last minute and demand their money. Some would go ashore when off watch and not show up at all, and some would quit in the middle of a watch at a port where it was an utter impossibility to secure another able seaman; but will cite only a few cases that are not any worse than lots of others that we had to contend with.

On June 6 Otto Herman, able seaman, lookout on the second mate's watch, came on watch at 6 p. m.; was seen at his station in the after gangway as late as 7.30. Boat was scheduled to sail at 7.45. When boat got in the Lake we found that he was not aboard. He had gone back to the purser and got his money without saying a word to the mate.

On July 6 H. Ward, able seaman, shipped as a wheelsman on the first mate's watch. Came on watch at noon out in the Lake, and after letting boat turn halfway around he informed the mate that he did not know the compass. Mate put watchman at wheel, and when wheelsman was told to stand watchman's watch he refused and sat in a chair on the promenade deck the rest of the afternoon. We were forced to carry this man three days before we could get another able seaman.

On trip leaving Chicago, July 18, C. E. Halley, able seaman, wheelsman on watch when boat docked in Milwaukee at 7.50 p. m., due to sail again at 9 p. m., went ashore and came back drunk at leaving time and demanded his money. As I was unable to get a man to take his place, I persuaded him to stay aboard. Second mate steered the boat the rest of the watch and wheelsman was allowed to sleep. He took the wheel again at 6 p. m. the next day, and while passing the Eleven Foot Shoal Lightship that evening I spoke to him about his steering, and he let go of the wheel and walked out of the wheelhouse and told me to steer the boat myself. In order to comply with the law I was compelled to carry this man until July 23 before I could get a man to take his place—

Mr. HARDY. Will you let me ask you, to clear up another question? I asked you if there was anything in the seamen's law to prevent you from holding these drills which you say certain members of the crew refused to attend, and if I understood you right, you answered, when I read you this, "but the provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole or any part of the crew are needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, and other drills" * * * you said, or Mr. Scott, one or the other, that there was no penalty for desertion?

Mr. THORP. I do not know of any.

Mr. HARDY. Now, look over here on page 4 of the seamen's act. Section 7 reads as follows:

That section 4596 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"Sec. 4596. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses, he shall be punished as follows:

"First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

"Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel, and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

"Third. For quitting the vessel without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum not more than 12 days' pay, or by imprisonment for not more than three months, at the discretion of the court."

Does not that look like a pretty severe penalty for such offenses as you speak of?

Mr. THORP. The loss of two days' pay or four days' pay?

Mr. HARDY. For willful disobedience to any lawful command, imprisonment for not more than one month, at the discretion of the court, or for continued willful disobedience to a lawful command, to imprisonment for not more than three months, at the discretion of the court, and forfeiture of wages. What penalty do you suggest?

Mr. SCOTT. Will you designate that?

Mr. HARDY. That is section 7 of the seamen's act, giving the penalties for seamen's misconduct and lack of discipline on board vessels, which would come exactly in application to the existing case.

Mr. THORP. I will give you some concrete examples, one which happened in port and one which happened underway. If we put off a man the first place we came to we could not get that man replaced by an able seaman; we could only replace him by a certificated lifeboat man.

Mr. HARDY. But I am asking you what law in any way does that?

Mr. THORP. I say this, that you would be fined if you let that man go and tried to operate without him, if you were not loaded to capacity.

Mr. HARDY. Could you not, when you got into port, under this law, bring its provisions to bear on him?

Mr. THORP. I do not think we could.

Mr. HARDY. Then what kind of a suggestion would you make so that you could comply with the law?

Mr. THORP. I am not making suggestions; I have——

Mr. HARDY. You said you wanted some laws for discipline. I want to know what more rigid laws you could ask than section 7 of the seamen's bill?

Mr. CHINDBLOM. Let me suggest that these provisions for punishing the men for disobedience and desertion are not intended to give any revenge to the officers or owners of the ship. They are intended, I presume, for the additional safety of the property and passengers on board ship.

Mr. HARDY. I agree with you entirely.

Mr. CHINDBLOM. So that the seamen will give the proper service to the public.

Mr. HARDY. I agree with you exactly, but what I want to know is what additional penalty we could put upon the men. The gentleman said that he wanted some laws to enforce discipline. What additional penalty could be put in the law?

Mr. CHINDBLOM. Does the amendment now under consideration provide for a change in that regard?

Mr. HARDY. No; it does not. That suggestion has been argued for a great while.

Mr. SCOTT. It changes it in this respect, that in the event of the violation of the law on the part of the crew, when you get into port there are two things to do. You can either impose the penalty provided in section 7 and put the man on the dock, but if you can not get another able seaman to take his place, in compliance with other sections of the law, you lay yourself liable to a violation of the law in your own conduct. My bill allows, in an event of that kind, the operator to comply with the law by putting on the ship, for the purposes for which the law was intended, the protection of the life of the passengers, a man competent to carry out that function and who might be available, and probably would be available, where the able seaman was not obtainable.

Mr. HARDY. In that connection, let me quote you another provision of the law.

When any vessel is deprived of the service of any member of the crew, including certificated lifeboat men, separately stated, without the consent, fault, or collusion of the man, owner, or any person interested in the vessel, the vessel may proceed on her voyage, if, in the judgment of the master, she is sufficiently manned for such voyage; provided the master shall ship, if obtainable, a number equal to the number of those whose service he has been deprived of by desertion or casualty, who must be of the same grade, etc.

Mr. THORP. In other words, that provision was put in there, Judge Hardy, and the letter I read to you, in regard to discipline, was in 1912, and there was an association of steamboat owners trying to get that. It was before this law was passed. I quoted from a letter written to Mr. Burton in 1912, and if we had got the law, that is all we would want. We are not asking for an amendment to that law here; we are asking for some other amendments.

Mr. HARDY. As I understand, this law in reference to discipline is all you want.

Mr. THORP. I say if we find it does cover, all well and good.

Mr. HARDY. I just read it to you.

Mr. KIRKPATRICK. Those letters are dated 1916. Do you want it to be understood as a part of your testimony that they represent conditions as they are to-day, without improvement?

Mr. THORP. To a large extent; yes, sir; the same conditions prevail, but by changing it to certificated lifeboat men, it would cover us.

Mr. KIRKPATRICK. Do you want the committee to understand that the conditions have not improved as to discipline since 1916?

Mr. THORP. Well, Mr. Congressman, I would like to read letters in regard to actual happenings aboard ship in that year, but I have not got anything now to show what last year may have been.

Mr. KIRKPATRICK. Can you say, or do you not know? Our inquiry, of course, is limited to the present time. The conditions may have changed, and I was wondering whether you could help us in regard to that. Can you say they are better or worse?

Mr. THORP. I will say we improved the conditions ourselves by getting these Italian sailors. These men come up to the Great Lakes and they ship on the boats in the spring, and they lay her up. We have had some of the men year after year, and they are men that you can thoroughly depend upon, and they are there to the end of the season, without change, and many of the men, particularly the boatswains, who get the men for us, stay there right along. I do not think we had them before the seamen's act. I do not recall that we had them, but we have had them five or six years, and those men are exceptionally good men, and we have no trouble on that big ship, no trouble at all, where we have those men, and we have another ship, our best ship, on which we carry fewer men, but the same class of men. As far as that is concerned, we have improved the conditions by doing that.

Mr. DAVIS. Mr. Thorp, prior to the passage of the seamen's act, did you not have cases of insubordination from time to time?

Mr. THORP. We certainly did; yes, sir.

Mr. HARDY. He wrote the letters in 1912 asking for discipline. That is the time he wrote that letter. Your complaint of a lack of discipline was in 1912. Was not that the letter you wrote to us?

Mr. THORP. I do not think that pertained to a lack of discipline altogether. I guess the stenographer took that letter away.

Mr. SCOTT. Congressman Kirkpatrick's question was directed to the morale of the crew in the immediate past, Mr. Thorp. I do not know whether you understood his question or not.

Mr. KIRKPATRICK. I understood him to say that conditions had improved through the improved character of the men he was able to get.

Mr. THORP. The Italian sailors improved the conditions on those particular boats very much. I said this, in this 1912 letter: "The shipowner or operator must have the help of the Government laws before a full complement of crew can be obtained, and the matter of wages and the number of crew."

Mr. HARDY. That is what I understood you to say.

Mr. THORP. That is what I said. That was in 1912, before the seamen's act went into effect.

May I go on with the reading of these letters?

The CHAIRMAN. Yes; go on and let us finish if we can.

Mr. THORP (reading) :

On July 26 E. L. Mathieson, able seaman, watchman on second mate's watch, when told to sweep the main deck, which has always been watchman's duty, informed the second mate that he did not ship on the boat to sweep decks——

Mr. HARDY. July 26 of what year?

Mr. THORP. 1916. I am still reading from Capt. McGarity's letter.

As this happened on the trip to Mackinac Island, I was compelled to carry this man who did nothing but sleep and eat until I got back to Chicago before I could get another able seaman.

On August 2 we docked at Escanaba at 7.45 p. m., due to leave again at 8 p. m. F. J. Carr, able seaman on first mate's watch, who was off watch at the time, went ashore and did not come back at all. He was not missed until the watch was called at midnight. In this case we were fortunate in having an extra able seaman aboard, so we were not compelled to lose any time getting another man.

These are only a few of many similar cases, and as this boat does not lay in port any great length of time while she is on her summer run, you can easily see what we are up against. We have had several cases where able seamen refused to attend fire and boat drill, due to the fact that it was held on Sunday, the only day of the week that we laid in port long enough to have a drill. These drills were always held at noon when the men were changing watch, so they were not compelled to lose any sleep in order to be present. This did not make for discipline, for in most cases we were unable to get men to take their places, consequently, we could not discharge them.

That we were not delayed more than we were was due to the fact that we always tried to have more able seamen than the law required in order to be prepared for emergencies. This, of course, caused extra expense to the boat, but had to be done to avoid delays.

Complaints to the seamen's union brought no relief; in fact, the mates were given to understand that if they could not get along with the men the union sent them they would have to go without. In view of the fact that these conditions did not exist before the passage of the seamen's law, but seem to have been created by it, I am of the opinion that some steps should be taken to assure the master of the ship that his crew are not going to desert him in a port where he will be unable to secure other men and to put a stop to men quitting and demanding their money at the time a boat is scheduled to sail. The law provides a penalty for licensed officers who willfully refuse to join their ships or act in their official capacity, and as the men are licensed as able seamen by the Government they should come under the same law.

Yours, truly,

D. J. MCGARITY, *Master.*

Mr. DAVIS. Did your company prosecute any of those offenders?

Mr. THORP. I did not know of it until he wrote me at the eid of the season. I went out and inquired to find out what the conditions were aboard the boats that year.

Mr. HARDY. Mr. Thorp, right there on the proposition you suggest in that letter there of the 16th, in the second division of section 7, the men are penalized for neglecting or refusing to join the vessel.

Mr. SCOTT. Let us follow that out to its logical conclusion. I thought you were going to be allowed to proceed to the end, but it might be just as well to follow this procedure. Suppose you had prosecuted your men as soon as you got into port; that is, 1 man, 2 men, or 10 men, who had refused to obey the orders of the captain. You are running passenger vessels and time is an essential matter, and you pull into port and here are a certain number of incorrigibles that refuse to obey the orders in compliance with the law. Suppose that you and your officers attempt to impose the penalty as provided by section 7, is it not absolutely necessary that you stop your boat and

get off and take your officer who gave the order and go to court and attend the hearings of the court, and what would be the delay? The delay would be unlimited, and it might necessitate your entirely laying up the ship in order to prosecute one man who was refusing to join the boat; is not that a fact?

Mr. THORP. They usually take the course of least resistance and try to get men to replace them.

Mr. DAVIS. Any court in the country would defer it to a convenient time, and the primary purpose of any penal statute is to defer others from doing likewise. If there were prosecutions, there would doubtless be less violations.

Mr. SCOTT. But my point was this, if you are attempting to prosecute a man he is entitled to a speedy trial, and if it occurs in the month of June it does not seem reasonable to assume that the court would say to the man, who might reside in Buffalo, in a case where the occurrence had happened at Milwaukee, "You will be obliged to appear at this court in September, after this ship lays up."

Mr. DAVIS. No; he could set it for the next time he came into port—the next day or so.

Mr. SCOTT. Even then they are only in port a few hours, and my thought was—and if I am not correct I want the witness to correct me—my thought was that if you attempted to enforce the law it would necessitate an unusual delay in the operation of this ship in order that the witnesses might appear in court and testify against the man who had violated the orders of the officers.

Mr. DAVIS. I represented a railroad for many years, and I never at any time knew of a railway train to stop running in order for the employees to appear and testify as witnesses.

Mr. SCOTT. That is true, but you understand there is only one captain on a ship, and there are many men connected with the railroad who can operate a train.

Mr. HARDY. As I understand Mr. Scott, we have the law, but we have not the time to enforce it.

Mr. SCOTT. Its enforcement is practically impossible.

Mr. KIRKPATRICK. There is one provision in the law that allows you to put a man in irons. I was wondering why that is not sufficient or is not enforced. You do not need any legal process to do that.

Mr. THORP. The discussion that is up is applicable to the case that I spoke of the other day, where the firemen on the boat demanded a dollar and a quarter an hour for furnishing steam to the steam pumps for a boat that was in trouble, when they were being paid their regular pay, and the men were laid off, and the union said that nobody else could go on that boat until they took them back. That is what happened. You can not get your men to replace them.

Mr. HARDY. Does it not amount to this? You have stringent enough laws, but you do not enforce them, or do not care to? You would not want any extremer thing than putting a man in irons, would you?

Mr. THORP. I have not looked that over lately.

Mr. HARDY. You look at section 7, and if you think there ought to be more extreme penalties let us know.

Mr. THORP. I do not care what the penalty is if you can not enforce it.

Mr. HARDY. If you can not enforce, I think you are right about it.

Mr. KIRKPATRICK. Do you know of any case where they have enforced that summary penalty of putting a man in irons?

Mr. THORP. Yes; there have been cases, but none that I have been personally interested in, so I am not sure about that. I think there have been. But usually the sympathy has been with the men against the corporation, and we have to take our medicine. That is what usually happens to us.

Mr. KIRKPATRICK. You do not need any legal process to put a man in irons right aboard ship, if he does not do a certain thing?

Mr. THORP. I do not think there is a ship on the lakes that carries irons.

Mr. KIRKPATRICK. That is what I asked you. I do not know whether there are or not.

Mr. THORP. I never heard of anybody being put in irons.

Mr. SCOTT. Mr. Thorp, if the whole crew in the instance you recite would walk off the ship, and you invoked the penalty of the law and put two or three of them in irons, aboard ship, what would be the attitude when the boat reached port?

Mr. THORP. I do not think you would have many employees on your ship.

Gentlemen, when you get right down to the whole thing, whether there is anything in this story that I am reading to you or not, or whether it is right or wrong, you can go to your shipping board and you can find out the troubles they are having to-day. The United States is up against this same thing. You do not have to take our word for it; you can go right to the officers of this Government and find out what is happening to-day. I do not ask you to believe this, I do not ask you to believe them, but go and get the testimony of the people that are operating the ships for the United States Government under present-day conditions. This is all you have got to do.

Mr. SCOTT. You mean the reports of the supercargo man?

Mr. THORP. They are carried on the boat in order to report all those conditions, as I understand it.

Mr. HARDY. You know, Mr. Thorp, that in any controversy between you and the unions, the employer and employees, this committee can only pass in law. As to whether you do enforce it or can enforce it, that is up to you.

Mr. THORP. I can only say what I am reading here. I am reading from letters written by men actively engaged as licensed officers in ships on the Great Lakes, giving the story as to what they have been up against.

Mr. HARDY. I will ask you just one other question. Does it not sometimes occur to you that by continually struggling to decrease the skill required and to increase the number from which you may draw the men who are claimed to be incompetent, that you may make things only worse for you instead of better, in your troubles with the unions, and that you are getting into a conflict that is going to injure both sides?

Mr. THORP. I do not think that the amendments that are being asked here are going to produce any such condition, because we are asking for things that I do not think are unreasonable. Certainly, the length of the season——

Mr. HARDY. I am not talking about the length of the season. We have practically agreed on some things. I am against dragging that in here.

Mr. THORP. You are talking about what you are considering, and you are going to consider that, and you are going to consider other things; you are going to consider the substitution of certificated lifeboat men.

Mr. HARDY. Your real purpose is to get a greater number of men from whom you say select your crew and decrease the required skill, in order that you may have a greater area from which you can draw your men?

Mr. THORP. No; we think those men have greater skill in many cases than the able seamen.

Mr. HARDY. I say, is not that the purpose?

Mr. THORP. No, sir; not to lower the skill, because we believe that they have greater skill than the able seamen.

Mr. SCOTT. Mr. Thorp, let us see if I understand the situation which you are attempting to describe here, and I think you have done it very well. At the present time and ever since the seamen's law has been on the statute books, what has been the character of the men on board your ships from that time up to the present moment, as to being union men?

Mr. THORP. Being unionized?

Mr. SCOTT. Yes.

Mr. THORP. Everybody but the freight handlers are unionized. There are five unions on the boats.

Mr. SCOTT. So that, in reality, you are a closed shop?

Mr. THORP. Absolutely.

Mr. SCOTT. If you allow these unions to absolutely control your ships and handle your matters, you get along all right, do you?

Mr. THORP. Well, I have some more letters bearing on that same thing.

Mr. SCOTT. But just the minute you attempt to run your own ships——

Mr. THORP. I can not do anything. I am not asking you to take action on anything I personally think. I am reading you letters from licensed officers that operate the ships—masters and engineers.

Mr. DAVIS. When did the crews on your vessel become unionized, Mr. Thorp? I think you stated it, but I have forgotten.

Mr. THORP. The unions have become to be unionized since the seamen's act. I can not give you the exact year.

Mr. DAVIS. I understand that; but when did your boats first commence to employ union labor?

Mr. THORP. Well, we employed in some departments for a matter of, say, 10 years—in some departments. I think the first agreement with the unions was in 1916, so far as the masters, mates, and pilots are concerned, but we never had the cooks until after that time. They were not unionized. The engineers have had an association for many years, called the Marine Engineers' Beneficial Association, and it is just what the title would indicate; it was beneficial, not a labor proposition at all. The five unions to-day are affiliated, and are affiliated with the American Federation of Labor.

Now, I want to say one thing about what happened——

Mr. BRIGGS. Before you do that, I wish you would finish your statement about the period of time of these agreements.

Mr. THORP. The marine engineers, while they were organized as a beneficial association, were not a labor organization for many years after, and we have had to deal with them in a general way, with the rest of them. They all come in together.

Mr. BRIGGS. When did you have your first agreement with them, or about when?

Mr. THORP. Well, under the present conditions, about three years ago.

Mr. BRIGGS. I mean, when did you make a contract with the Marine Engineers' Beneficial Association?

Mr. THORP. About three years ago.

Mr. BRIGGS. Was that the first time you ever had any contract for the operation of your vessels?

Mr. THORP. Under the present conditions, yes.

Mr. BRIGGS. I do not mean under present conditions, but what is the first agreement you entered into for the operation of your ships?

Mr. THORP. I do not believe we have ever had a written agreement up until now.

Mr. BRIGGS. Any kind?

Mr. THORP. It might have been 10 years ago or 5 years ago. I do not recall just when our first agreement was. All these men have belonged to that organization, always.

Mr. BRIGGS. When, with respect to the other men on your vessels, the other members of the crew, did you have your first agreement with them? You said you had an agreement with them.

Mr. THORP. The agreement with the masters, mates, and pilots, as far as I recall, was in 1917.

Mr. BRIGGS. What about the others?

Mr. THORP. The agreement with the cooks was about the same time.

Mr. BRIGGS. What about the others?

Mr. THORP. The engineers were not a union organization previous to 1916.

Mr. BRIGGS. Previous to the time this act went into effect?

Mr. THORP. That was after.

Mr. BRIGGS. I mean, was your agreement with the engineers before the act went into effect, as well as since?

Mr. THORP. I think it was; yes, sir.

Mr. BRIGGS. What about the deck hands?

Mr. DAVIS. When did the seamen and the lifeboat men who were the men on deck, first become unionized, or when did you commence to employ them?

Mr. THORP. Several years back, previous to the act. I can not give the exact year, but it was previous to the act.

Mr. BRIGGS. How about the firemen and oilers?

Mr. THORP. About the same time as the seamen, because they work very close together.

Mr. BRIGGS. Previous to the act?

Mr. THORP. Yes; about the same time.

Mr. SCOTT. But you never had a closed shop so that you had to employ union men exclusively until after the passage of the act?

Mr. THORP. No, sir.

Mr. BRIGGS. What was the nature of the agreement you had with these unions prior to the act?

Mr. THORP. Just an agreement in regard to the wage scale—to pay them so much money.

Mr. BRIGGS. Not with respect to your employing only union men?

Mr. THORP. No, sir.

Mr. BRIGGS. But just to pay them so much money?

Mr. THORP. In some of them we have. I read into the record this morning, in one case previous to the act, where we were to employ nothing but organization men.

Mr. BRIGGS. Who was that by?

Mr. THORP. I think that was previous to the act.

Mr. BRIGGS. Whose case was that?

Mr. THORP. It was a controversy we had——

Mr. BRIGGS. I do not mean the case; I mean with what branch of the union?

Mr. THORP. The sailors and firemen.

Mr. CHINDBLOM. Do all of your agreements now with the unions provide for a closed shop?

Mr. THORP. Well, if they do not provide for it, they take mighty good care that we do not employ anybody. I have read into the record here this morning about the cooks, and the mates always did.

Mr. BRIGGS. How about the others?

Mr. THORP. As I said, we can not get the men.

Mr. BRIGGS. I mean was there anything in the contract with them that indicated that only that character of men should be employed?

Mr. THORP. I do not know whether I have this year's contract with them or not. We have no contract with them this year yet; there is no contract. I see they are making faces over here, but, nevertheless, the wage scale has not yet been decided on, but I will read you what it says.

Mr. CHINDBLOM. When does your season begin?

Mr. THORP. We are operating all the time.

Mr. CHINDBLOM. When does the contract begin? You say you have not any agreement yet. For what period do you mean?

Mr. THORP. We have an agreement for 1921 with two organizations represented here, and I will give you that. I have not the original, but I have got it at the hotel, and the contracts:

The Goodrich Transit Co. agrees to have the United States Shipping Board arbitrate the question of wages and working conditions for your members on our steamers for the season of 1921. Pending the result of such arbitration your members are allowed to draw on account up to 80 per cent of the 1920 wage scale, the 8-hour day for sailors to continue pending the result of such arbitration.

That is the only contract with the sailors and firemen this season.

We have an agreement with the cooks and stewards in which is embodied the condition that after one marine trip we must require the men to join the union.

With the engineers, masters, mates, and pilots, we are operating without any contract or any agreement of any kind at the present time, but the men themselves have given their assurance in writing that they will remain on the ships.

Mr. BRIGGS. What contract did you have last year?

Mr. THORP. They are just the contracts for 1920, because I have not any real contract with them, except with the cooks this year.

Mr. BRIGGS. Is this the only thing in writing you have, in connection with previous years here?

Mr. THORP. No; but it has not been customary to have it with certain of the organizations. I think perhaps up until two years ago we have had a signed contract, except in exceptional cases of individuals, with sailors and firemen. I do not recall any previous to three years ago.

Mr. HARDY. Mr. Thorp, you had an agreement in 1920 with the unions, did you not?

Mr. THORP. I did not say we did not have. We did sign a contract. May I see that contract you have? May I read it?

Mr. CHINDBLOOM. Can you not put that in the record without reading it?

Mr. BRIGGS. He just wants to identify it.

Mr. THORP. I just want to read it myself. It does not say exclusively, but we have to do it, gentlemen, because we can not do anything else.

Mr. BRIGGS. Is that a copy of the contract?

Mr. THORP. Yes.

Mr. BRIGGS. You might as well put that in the record.

Mr. THORP. It does not mean anything, one or the other.

Mr. HARDY. You can put that in, in answer to my question.

(The contract referred to is as follows:)

MEMORANDUM OF AGREEMENT.

Memorandum of agreement made and entered into at Detroit, Mich., April 9, 1920, by and between the undersigned passenger-steamboat lines, and the Firemen, Oilers, and Watertenders' Union, and the Sailors' Union, to cover the season of 1920, from April 1.

Witnesseth:

That there shall be an advance in wages to the members of the said unions employed on the boats of the passenger steamboat lines of 25 per cent over last year's scales and the said unions shall have an opportunity to put into operation an 8-hour day, as to their members, if it can be done without the employment of additional men, and without additional expense to the passenger steamboat lines, the same to be under the supervision and subject to the approval of the officers of the ships, the said officers to have orders to cooperate in establishing said 8-hour day: *Provided, however,* That it is understood that on certain steamers one or two additional coal passers may have to be employed.

Chicago, Duluth & Georgian Bay Trust Co., Chas. J. Bour, General Manager; the Michigan Trust Co., Receiver; Graham U. Morton Transportation Co., by J. S. Morton, manager; the Lake Erie Erie Excursion Co., M. J. McAlpine, manager; Perre Marquette Line Steamer, Gus Kitzinger, president; Chicago & South Haven Steamship Co., C. L. Beigh, manager; Thomas Conway, for Marine Firemen, Oilers, and Watertenders' Union; Patrick O'Brien, Sailors Union of the Great Lakes; Detroit & Cleveland Navigation Co., by S. A. Schantz; the Cleveland & Buffalo Transit Co., by T. F. Newman, general manager; Ashley & Dustin Steamer Line, O. S. Dustin, secretary and treasurer; White Star Line, by C. F. Bielman, jr., secretary and general manager; W. E. Campbell, D. & W. Ferry Co.; Goodrich Transit Co., by H. W. Thorp, vice president and general manager; Chicago, Racine & Milwaukee Line, by E. W. Seymour, manager; Michigan Transit Co., Geo. E. Johnson.

Mr. DAVIS. Mr. Thorp, the press has stated that Admiral Benson requested the operators to agree to a 15 per cent reduction, and they have practically done so. Did your company accede to that request?

Mr. THORP. That was not on the Great Lakes. We are not involved in the controversy with regard to the coast or Atlantic business.

Mr. DAVIS. That does not affect your lines?

Mr. THORP. Absolutely not; in no way at all. That is entirely separate.

Mr. BRIGGS. Have you completed your testimony?

Mr. THORP. I have not read all of the letters. I think, if you will allow me to proceed, I could read these in five minutes.

Here is a letter from Joseph Peroutka, the chief engineer of the steamship *Virginia*, reading as follows:

GOODRICH TRANSIT Co.,
S. S. VIRGINIA.

Manitowoc, Wis., October 24, 1916.

M. H. W. THORP, *Vice President and General Manager, Chicago.*

DEAR SIR: Replying to your letter of the 19th relative to troubles experienced with the crew in the engineer's department during the past season.

The crew having been increased by one-third in the fire hold, it gave the men more leisure than formerly. The majority spent it in making themselves unfit to do their work, and when in that condition their demands were very unreasonable. We were forced to comply with most of them, however unjust, or else cause delay to the boat.

I will cite one instance: On June 2, at Muskegon, Mich., two firemen, half intoxicated, complained about the food and demanded their money 15 minutes before sailing time. We investigated and found their complaint without foundation. We tried to reason with them, but it was useless. Upon our refusing to pay them unless they finished the trip, they then threatened to take the rest of the firemen off of the boat unless we gave them their money and did succeed in getting three of them to go.

If we did not have to contend with the new law requiring a full complement of men before sailing the difficulty would have easily been overcome by leaving the dissatisfied ones on the dock, but as it was we had to give in to them.

There were other occasions too numerous to mention where the new law practically tied our hands in regards to handling the men.

I will be pleased to furnish you with any details I have not covered in this letter.

Yours, truly,

E. PEROUTKA, *Chief Engineer.*

Here is another letter from the chief engineer of the steamship *Alabama*, reading as follows:

GOODRICH TRANSIT Co.,
S. S. "ALABAMA,"
October 21, 1916.

Mr. H. W. THORP,

Vice President and General Manager, Chicago.

DEAR SIR: In reference to your request regarding experiences with men since the seamen's act has gone into effect.

Will recall two cases, one on May 3, three firemen became intoxicated while laying at Grand Haven. I was obliged to have the second assistant engineer go in the firehold and keep steam after leaving port.

Another case on October 7, two firemen quit while laying at Grand Haven in the evening without a cause. We also have trouble with men getting left, especially in the summer months. Coal passers average about the same as firemen. Oilers have been changing often but are sober and doing as well as can be expected.

Yours, truly,

E. PEROUTKA, *Engineer.*

Here is another letter from J. P. Breuer, chief engineer of the steamship *Carolina*, reading as follows:

GOODRICH TRANSIT Co.,
S. S. "CAROLINA,"
Chicago October 27, 1916.

Mr. H. W. THORP,
Vice President and General Manager, Chicago.

DEAR SIR: In response to yours of the 19th instant, can make the following report:

During the season of 1916 up to date we shipped on the S. S. *Carolina* 87 firemen and 120 coal passers. These are men who actually made the trip. We shipped many more who never showed up at the time of sailing, and so often went out short handed, but most times we were able to fill out our crew from the deck or pick up men along the route and therefore never delayed the boat.

One fact that stood out clear is that the men were very independent, and one had only to hint at some work outside of their regular firing to have them ask for their money, which would be about 5 or 10 minutes before leaving time.

I was fortunate to have three oilers and three firemen on whom I could rely, and this fact alone kept the others from carrying out dirty tricks, as they knew they could not persuade these men to act with them.

I hope I'll never experience the same trouble and same labor conditions again, as it kept us all in hot water until we got away from the dock, looking after our crew.

Respectfully, yours, J. P. BREUER, *Chief Engineer.*

The next is a letter from H. C. Hankans, chief engineer of the steamship *Arizona*, reading as follows:

GOODRICH TRANSIT Co., S. S. "ARIZONA,"
October 27, 1916.

Mr. H. W. THORP,
Vice President and General Manager, Chicago.

DEAR SIR: In reply to your letter of the 19th, requesting my experiences with the men of my department during the past season, must say they were by far the worst I have ever experienced.

On the 7th of June the boat was delayed about 35 minutes on account of very unreasonable grievances of the firemen. During the run to the Soo they quit wherever they happened to take the notion. Discipline became a farce.

Yours, truly, H. C. HANKANS, *Chief Engineer.*

The next is a letter from Mr. D. Mackey, master of the steamship *Arizona*, reading as follows:

GOODRICH TRANSIT Co., S. S. "ARIZONA,"
October 24, 1916.

Mr. H. W. THORP,
Vice President and General Manager, Chicago.

DEAR SIR: In answer to yours of the 19th, in regard to able seamen, will say that I have had considerable trouble with able seamen since the seamen's act went into effect, especially during the months of June, July, and August of this year.

There have been several cases where able seamen would quit when steamer was ready to sail. Nearly every trip during July and August have been obliged to carry able seamen that were drunk and not able to do their work. Some, even though sober, were incompetent, as they could not steer the steamer or box the compass.

Never in my experience have I had as much trouble with the men as during the past season, much of it I consider due to the seamen's act.

Yours, respectfully, M. D. MACKEY, *Master.*

Mr. DAVIS. Those were received in answer to a letter of inquiry from you. Have you a copy of your letter there?

Mr. THORP. No; I have not. I may be able to furnish that to the committee. I have not it here. I just simply asked for their experience during the season.

Mr. DAVIS. They all indicated that you made some inquiry with respect to the seamen's act.

Mr. THORP. Well, since the seamen's act went into effect. I sincerely wanted to know what the conditions were that they had experienced during the season. I had heard different things that came to me.

Mr. DAVIS. Much of your trouble appeared through the drunkenness?

Mr. THORP. Quite a good deal.

Mr. DAVIS. Do you have the same trouble now in that respect that you did before the eighteenth amendment?

Mr. THORP. We have a great deal of trouble on account of it. They only have to get one drink instead of half a dozen. It puts them out of business a good deal quicker and makes them a good deal uglier.

Mr. KIRKPATRICK. Do you have as much of it?

Mr. THORP. I do not think we have had as much drunkenness, but we have had some of it. The eighteenth amendment has not kept it all out by any means.

I want to tell you one actual experience and then I will quit. In 1919 we were having a controversy with the masters, mates, and pilots over wages. That would not apply to our line alone, but all the lines on Lake Michigan. The man who represents that organization was in Chicago; he lives in Buffalo. Our conferences ran over a period of four or five days and we were not getting anywhere. He called me up and asked me if I would see him, and I told him yes. It was Saturday afternoon. There was not another soul on the floor of the building that we had our offices in, aside from the switchboard operator. In the course of my talk with these men, they brought to our office the secretary of the American Federation of Labor, or the Illinois Federation of Labor, and they brought down John Fitzpatrick, the man that attempted to put the steel company out of business here, and organized the steel union. I said to him during the course of the conversation, "How much do you think a shipowner should be allowed on his investment"? He said, "Unless you have increased their salaries 100 per cent in the last two years, you should not have a cent." He turned around to the men and said, "Have they done that"? And they said no. He says, "There is your answer." He stepped to the window of my office and looked out and says, "You expect the men to be here on Monday morning"? I said, "We hope so." He says, "You expect a lot of teams to back up here with freight"? I said, "Yes, we hope so." He said, "You had better settle with these men. You can not tell where it is going. They are affiliated with the American Federation of Labor. You can not tell where they are going."

I am through.

Mr. BRIGGS. Are all your vessels passenger-carrying vessels?

Mr. THORP. Yes, sir; not exclusively passenger; we have two exclusively passenger vessels.

Mr. BRIGGS. Which two are those?

Mr. THORP. The steamships *Christopher Columbus* and the *Florida*. The other four are passenger and package freight vessels.

Mr. BRIGGS. You stated where those vessels plied in your previous testimony, did you not?

Mr. THORP. I do not think I did.

Mr. BRIGGS. Please state that for the record.

Mr. THORP. The *Christopher Columbus* is in the day excursion business, operating between Chicago and Milwaukee and return, making a round trip each day. The steamer *Florida* operates from Chicago to Michigan City and return. The round trip of the *Columbus* is 170 miles, and the round trip of the *Florida* is 76 miles. At night she takes a moonlight excursion out from the municipal pier.

Mr. BRIGGS. How long?

Mr. THORP. About two hours. Our steamer *Indiana* last year—the runs have changed this year: we have not them all operating—but she ran between Chicago and Milwaukee.

Mr. BRIGGS. What is the passenger-carrying capacity of these vessels?

Mr. THORP. The *Columbus* at one time was the largest passenger carrier on the lakes. She now is licensed to carry 2,828.

Mr. BRIGGS. What is the other?

Mr. THORP. The *Florida* carries six hundred and something, and the *Indiana* eight hundred and something, I think. I can not give you those figures right offhand. They change somewhat each year.

The *Alabama* operates between Chicago, Grand Haven, and Muskegon the year round, making three round trips a week, 250 miles.

Mr. BRIGGS. When do those vessels start in the service?

Mr. THORP. Some of our boats operate all winter long, steady.

Mr. BRIGGS. I mean these in the excursion business.

Mr. THORP. During the school vacation, probably: we will say from the 28th of June to Labor Day. The *Alabama* operates 365 days in the year.

Mr. BRIGGS. She is a combination freight and passenger boat?

Mr. THORP. Yes, sir. She is our best ship, the largest outside of the *Columbus*, which is an exclusively passenger ship. I think the allowance for the *Alabama* last year was 1,238, or something like that.

The *Carolina* operates from Chicago to Grand Haven and Muskegon just the same as the other boat, making the same run, and carrying about 700 passengers, from May 15 to September.

The *Arizona* operates from Chicago to Washington Island and return, about 600 miles, round trip. She makes one trip a week there and makes three round trips from Chicago to White Lake and return. Four of the ships are steel and two are wood.

Mr. BRIGGS. Were these vessels being operated at a profit during the past year?

Mr. THORP. Well, last year—I put in a statement about that.

Mr. BRIGGS. I do not want to ask you anything that you have already testified to.

Mr. THORP. I have given it to you for 10 years.

(Whereupon the committee took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

The committee reconvened, pursuant to recess, at 2.30 o'clock p. m., Hon. William S. Greene (chairman) presiding.

The CHAIRMAN. The committee will come to order.

STATEMENT OF MR. R. J. MacLEAN, CHAIRMAN INLAND WATERWAYS COMMITTEE, DETROIT BOARD OF COMMERCE.

MR. MACLEAN. Mr. Chairman and gentlemen of the committee, on behalf of the Detroit Board of Commerce, which I represent directly, and on behalf of the other boards of commerce on the Great Lakes, which I represent indirectly through the delegation that came here, I wish to enter a very earnest protest against the comments that have been made regarding the weather conditions on the Great Lakes. Those comments, I believe, have been made not intentionally to injure the reputation of our Great Lakes country, but I believe have been made in the course of debate. This conference, as you all know, has resolved itself to a very considerable extent into a debate between men representing organized labor and men representing the shipowners. I am here representing the shippers and traveling public. Now, if we did not have a splendid climate and good climatic conditions on the Great Lakes, we would have no passenger ships. It is not necessary for a man to travel by boat in going from any of the ports of the Great Lakes to other ports of the Great Lakes. We have the very finest train service. The reason that men travel by boat is that they prefer to travel by boat.

The question has been raised regarding the danger of navigating on the Great Lakes, and if I were a member of this committee I would be almost afraid to go up to the Great Lakes and take a trip on our splendid passenger ships. I do not know what would be said by at least one or two members of this committee if I were to call attention to the cyclones and wind storms and sand storms that occur occasionally in the great State of Texas. I believe there would be a protest on behalf of at least one or two members of this committee, and rightfully so, because while they have cyclones and dust storms and wind storms in the great State of Texas, they also have one of the finest climates down there of any State of the Union. I have relatives there who speak in the highest terms of Texas.

I might further call attention to the cyclones that occasionally occur in Nebraska, that have torn up part of Omaha, and yet no one would contend that it is dangerous to travel through the State of Nebraska. Persons are struck by lightning even in New York City, as civilized a place as that. We do not contend on the Great Lakes that we have no storms. We have the same kind of storms on the Lakes as on land. Occasionally we have thunder storms in the summer time, especially in June.

Yesterday, in view of what has been said before this committee regarding the dangerous conditions of navigation on the Great Lakes, I telegraphed the shipowners, at least three or four of them, and I have their replies. I telegraphed to the Ashley-Dustin Line, of Detroit, Mich., as follows:

How many years has your line been in operation? How many passengers have been carried during that time? How many passengers have you lost through storms or negligence on your part?

This is the reply which came in a few moments ago:

Our line has been in operation over 60 years. For the last 10 years the yearly average has been 343,766 passengers. Prior to that we have no records. We have never lost a passenger through neglect or by storm. Signed, Ashley-Dustin.

The following telegram I sent yesterday to Mr. Allen I. Holloway, a member of the Board of Commerce of the City of Buffalo:

How many passengers have been lost due to storms during the past 10 years on passenger ships plying exclusively out of Buffalo?

This is the reply of Mr. Holloway:

No persons lost by drowning on passenger ships plying from Buffalo during past 10 years. Information obtained from United States steamboat inspector.

The following telegram I sent to White Star Line of Detroit:

How many years your line in operation? How many passengers have you carried during that time? How many passengers have been lost due to storms or negligence on your part?

Mr. C. F. Bielman, general manager of the White Star Line, telegraphed me in reply as follows:

The White Star Line in operation since 1896. First 15 years, average passengers carried 500,000 per year. Since that time from 750,000 to 1,000,000 each season. Never have lost passenger's life, except by suicide.

The following telegram I sent to Mr. T. F. Newman, general manager of the Cleveland & Buffalo Lines at Cleveland, Ohio:

How many years has your Cleveland and Buffalo ships been in operation? How many passengers have they carried during that time, and how many passengers have you lost through storms or negligence on your part?

The answer to that telegram is as follows:

Our ships have been operating between Cleveland and Buffalo since 1893. During that time have carried many thousands of passengers without the loss of one single passenger from any cause whatsoever, excepting suicide.

That telegram is signed by T. F. Newman, general manager of the Cleveland & Buffalo Transit Co.

The following telegram was sent to Mr. A. A. Shonts, president of the Detroit & Cleveland Navigation Co., Detroit, Mich.:

How many years have the Detroit and Cleveland ships been running? How many passengers have they carried during that time, and how many passengers have been lost during that time through storm or negligence on your part? How many passengers have you carried during the past 10 years? How many passengers have been lost through storm or negligence on your part?

Mr. Shonts answered me as follows:

Detroit & Cleveland Navigation Co. have operated 60 years and have never lost the life of a passenger, nor have we had a serious accident in that time caused by storm or negligence. During the past 10 years we have carried an average of 428,424 passengers per season without any accident or loss of life.

That telegram was signed by Mr. A. A. Shonts, president of the Detroit & Cleveland Navigation Co.

I did not want any member of this committee to reach the conclusion that just because we have not lost any lives on our side of the Great Lakes that there may not be storms on the other side, the

Canadian side, and so I sent the following telegram to the marine department of the Canadian Government at Ottawa:

How many passengers have been lost on Canadian ships plying the Great Lakes during the past 10 years due to storms?

All those telegrams were signed by R. J. MacLean, of the Detroit Board of Commerce.

The following is from the marine department of the Canadian Government:

Your wire 18th instant. Marine department records show no passengers lost on Canadian ships due to storms during the past 10 years. Signed, E. Hawken.

I believe, gentlemen, that I could offer no stronger proof than what I have offered you in regard to the fact that we have good climatic conditions on the Great Lakes, and I want to invite all of you gentlemen to visit us whenever you have an opportunity, and I can assure you that you will come back to Washington well repaid of the trip.

I thank you.

Mr. SCOTT. I desire at this point to introduce as part of the record resolution No. 20, adopted by the Legislature of Michigan memorializing the Congress of the United States to amend the La Follette Act. This resolution was adopted by the house and senate unanimously, and it was passed at the session of the legislature which closed last week.

Mr. FREE. Will you read it? I am interested in knowing its provisions.

Mr. SCOTT (reading):

HOUSE CONCURRENT RESOLUTION NO. 20.

A Resolution memorializing Congress to amend the La Follette Act so as to alleviate burdens now carried by Great Lakes shipping.

Be it resolved by the House of Representatives of the State of Michigan (the Senate concurring), That the existing laws of the United States governing the operation of vessels upon the Great Lakes and connecting waters are unreasonable to an extent that makes their continued operation a grievous burden and in many cases an impossibility. The conditions on the Great Lakes are vastly different than those on the high seas; runs are comparatively short, and steamers are seldom out of sight of land, and then only for a comparatively short time. The laws in question give vessels too little authority in times of danger; vessels plying on short runs are unnecessarily required to operate under the three-watch system; the operating season is too short; unnecessary men are required, thus adding to the expense and forcing the already high passenger and freight rates to a still higher and almost prohibitive level.

These severe and inelastic regulations are totally unnecessary upon the Great Lakes. Neither necessity nor safety have counseled them. They have well-nigh paralyzed the passenger traffic and made the freight traffic an insupportable burden to the public.

In view of these facts, the Congress of the United States is respectfully requested to so amend and modify the La Follette Act, so called, as to alleviate these restrictive and burdensome conditions, and to do so as quickly as possible; and be it further

Resolved, That a copy of these resolutions be transmitted by the clerk of the house of representatives to each of the Senators and Representatives from this State in Congress of the United States, and they are hereby respectfully requested to use their utmost endeavors to secure the amendments to the said law.

Mr. JEFFERIS. Was it unanimously adopted?

Mr. SCOTT. Unanimously adopted by both the house and senate. Supplementing the statement made by Mr. Thorp this morning, I desire to introduce as a part of the record the report of the supercargo men on board ships operated by the United States Government through its agency, the United States Shipping Board. I will be very glad to accept the suggestion of the committee regarding that. I have no wish to burden this record, and I can do it by reference to such testimony taken at a previous hearing. That would obviate the necessity of repetition in this record. These letters were submitted and are a part of the previous hearing, not an amendment to the Great Lakes, but were submitted by the United States Shipping Board in connection with the bill at that time before this committee.

Mr. HARDY. Refer to the page and date.

Mr. SCOTT. Yes; I will be very glad to accept the suggestions of the committee.

Mr. GAHN. May I inquire if those hearings are available to the members of the committee?

Mr. SCOTT. They are available here.

Mr. HARDY. I have no objection to their being placed in the record in that way.

Mr. SCOTT. They are not very long. They picked out brief reports that were made by the supercargo men.

Mr. GAHN. I suggest that you put them in this record.

Mr. SCOTT. They are not long. Instead of selecting all of them I might pick out two or three of them and insert them in this record.

Mr. FREE. What is a supercargo?

Mr. SCOTT. A supercargo is a new adjunct that was deemed necessary at the close of the war, in view of the fact that we had thousands of ships operating on the ocean owned and operated by the United States Government. In view of that fact—that the Shipping Board was operating them in behalf of the Government—they thought it wise to put some one on the ships who was not in any way connected with the operation of the ship or with anyone on the ship to report in detail the conduct of the officials and everyone else on the ship to the Shipping Board, in order that they might get an unprejudiced statement from an unprejudiced person as to the methods and manner in which our ships were being operated.

Mr. FREE. Was this on the ocean that they were being operated?

Mr. SCOTT. Yes; we have no ships being operated on the Great Lakes.

Mr. HARDY. Would there be any objection in putting the examination of these supercargoes before the Senate committee? There are some parts of that that I might want to submit.

Mr. SCOTT. I do not think so.

Mr. HARDY. You spoke of the ocean as well, and also a statement of Mr. Rosseter to show the total difference between the cost of the operations between American and British ships on the ocean amounted to about 2 per cent.

Mr. BRIGGS. That was with reference to manning a vessel. That was two years ago.

Mr. SCOTT. That is not different now. The difference is approximately 25 per cent.

Mr. HARDY. That would be different. Of course, the difference in exchange might make a vast difference.

Mr. SCOTT. I will therefore insert at this point a report made by a man on his first trip to sea as a supercargo, and which was sent to the Division of Operations of the United States Shipping Board on July 28, 1919:

EN VOYAGE ANTWERP TO NEW YORK,
July 28, 1919.

Attention Supervisor Weems.

DIVISION OF OPERATIONS.

United States Shipping Board, Washington, D. C.

DISCIPLINE ABOARD AMERICAN VESSELS.

GENTLEMEN: The steamship ——— on her maiden voyage has lost, in possible earnings, many thousands of dollars by reason of the lack of means for maintaining discipline among the members of her crew, particularly in the engine department. Not only has this loss been entailed, but from the same cause the safety of the vessel has been jeopardized.

This strikes me as a situation demanding very serious consideration on the part of the Shipping Board, with a view to securing an effective remedy. The importance of the question prompts me to report, somewhat in detail, the experiences of the ———, as I have observed them on her initial voyage. This will take the form of an abridged running account of events, supplemented by a recapitulation and a few recommendations.

The union's delegate in New York sent to the vessel an ignorant, rather degenerate class of men to fill the positions of fireman, oiler, and water tender. A few of them were illiterate. Half of them did not have their passports, certificates of residence, or references. In some instances the men were engaged and put on the pay roll upon their promise to get their papers put in order before the time arrived to sign the articles. Although reminded from day to day of their promise, the date for signing the articles (June 14) found them generally unprepared. The captain had been instructed to clear his ship on that day, so that he could shove off early the following Monday. The fact that these men did not have their papers ready caused such a delay that it became physically impossible to clear the vessel on the 14th.

While still in port the men gave more or less trouble by leaving the ship during working hours and at night, after pay day, in going ashore and getting drunk. We sailed at 6.30 p. m. June 16, with the trial board. Within an hour and a half a thick fog settled over us and we had to anchor. In one respect this fog was fortunate, because it veiled the utter incompetence of the crew, whose drunken condition would have made a farce of any trial trip if the weather conditions had permitted.

After a couple of days at sea the men began, now one, now another, to complain of the food, contending that there either was not enough of it or that its quality was poor. As a matter of fact, as I can testify to from a personal investigation, the food was both good and plentiful. It developed that those who complained of its insufficiency were laggards in getting to table at mealtime, and their more energetic comrades had helped themselves twice to some particularly palatable dish, dessert, or the like. Those who complained of the quality of the food plainly had no appetite or were given to kicking on general principles. In fine, their table was better set by far than any generous interpretation of the law would demand.

Yet they complained, one after another, day after day, talking always of their rights, of what their delegate had told them, of their intention to report to the delegate the treatment they were receiving, even threatening to "get even" with the officers of the ship.

But they did not confine their activities to making complaints. They went further. If any complaint was listened to, any point granted by the ship's officers, they at once seized upon this as an advantage gained over their superiors, and they freely talked of the incident as "putting one over." And one called for another. As an instance, I may cite that of asking to be transferred from one watch to another; the first engineer arranges it; and straightway he is sneered at as being "easy." Another man then comes up and demands a transfer; it is denied; then he proceeds forthwith to curse his superior and call him names.

Obedying orders is a thing they resisted consistently, from first to last; they constantly resented the exercise of authority on the part of the engineers.

And they loafed on the job, soldiered on every possible occasion, embracing every opportunity to neglect their duty when the engineer on watch was absent attending to his other duties. They even left their watch deliberately, went to their quarters, and turned in at half past 3 in the afternoon, when they were expected to remain on watch until 4 o'clock.

When this stage of the game was reached the offenders were hauled before the captain and logged. Two days' pay each was the extent of disciplinary action possible under the law. This fine was imposed in a number of cases, some of the offenders being brought back again and again, to have another two days' pay charged against them. Still the trouble continued. Logging them seemed to move them no more than an elephant would be moved by a broom straw in the hands of a child.

By way of introducing a little variety into their game, they decided to get sick, relying upon the fact that no doctor was aboard to declare they were well. One would play being sick for a couple of days, then would suddenly get well and return to work, giving one of his comrades an opportunity to draw two or three days' pay without rendering any service.

Another change they rang in was to take advantage of the mess boy by running in and out of the mess room at all hours of the day—this was done by both those on watch and those off watch—to get some coffee and a little something to eat, and in doing so they would break into the stores and take whatever they felt like taking.

The steward's department made up sandwiches for the men on watch during the night and would put them in the mess room, locking the door and leaving the key with the engineer on watch. Men off duty would break into the mess room, by damaging the lock or ripping the door casing or the like, and devour the sandwiches. Then the men for whom they were intended would come along, find none of them, and this would be an occasion for another rumpus.

Such was the program all the way across, without ever a let up—one thing after another to make life miserable for the officers of the vessel, to throw more work onto the faithful ones, to render the personnel less efficient as a whole, and to set the speed of the ship back and so lose money for the operators and owners.

It seems impossible that matters could be worse, but worse they were during our stay in the port of Antwerp. The articles provide that no one is to be allowed ashore without the permission of the master. This meant nothing to these men; it was a "mere scrap of paper." They said so. I have never heard so much talk about "rights" as these men indulged. But, curiously enough, I did not hear, even whispered, the word "obligation" or the word "duty." Only "rights." They seemed to be very conversant with the "rights" of a man aboard an "American ship." One would conclude from their talk that an American ship was a kind of pleasure yacht designed for the exclusive use of firemen and coal passers. When we arrived in Antwerp, they at once declared themselves free agents, to do as they wished, without any duties whatever; all they had to do was to draw money every five days and go ashore to spend their time in joy houses and gin mills.

And their idea prevailed. They drew money, went ashore, got drunk, came back when they got ready, some of them after an absence of three or four days. Those put on watch deserted their stations, went ashore for one drink, took two, three, four; came back the next day, still too drunk to work. Those on day work ran across to a water-front dive every little while for a drink; they spent most of their time running back and forth, and, at length, tiring of coming back, remained ashore, got drunk, turned up when broke. After they sobered up a little work would be gotten out of them until the next pay day, then another round of exactly the same kind.

Some of them were brought before the captain and logged. Asked what their defense was for leaving their stations, thus jeopardizing the safety of the vessel, and possibly delaying the discharging of the cargo through want of steam for the winches, they had none; just went over for a drink, took two, three, four; got drunk; came back as soon as sober.

During our stay in port there was more complaint about food. One evening at supper we in the officers' mess were interrupted by the appearance at our door of a man from the engine department, who, exhibiting a plate piled high with food, including a piece of rare roast beef that in New York would cost 75 cents, demanded to know, in injured tones, whether he was a dog or a Christian, that he should be given raw beef to eat. The next I heard him he was wrangling at the door to the galley, demanding a sirloin steak with smothered onions.

We had three pay days in Antwerp—July 2, 7, and 12. At every other man who stepped up to sign and get his pay there was a delay, a long explanation as to why the man could draw no more money than the amount named—i. e., 50 per cent of the amount earned—then a bit of grumbling, a deal of talk about “rights,” etc.

Another source of trouble was the disappearance of a man assigned to a given watch before the hour to begin the watch came around. Not being on hand, he would be noted as absent and another man put in his place. When asked, on turning up, for an explanation of his absence, he would state that he had arranged with George to stand his watch for him. But George, on being questioned, knew nothing of such an arrangement. All that could be done was to log him two days' pay.

To add variety, some of the men would go out, get into a fight, get beaten up, come back to ship with black eyes, bloody face, an arm bandaged with a handkerchief, a limp in the leg, and, demanding medical attention, lie in bed, a charge, but of no use whatever.

Others, even while on duty, would get into scraps among themselves, charging each other with loafing on the job, not doing each his proper share, and the like, meanwhile the work suffering.

When the time came for sailing, the gang had to be rounded up from among the joy houses and gin mills and dragged aboard. Once on the ship, they refused to stay, but insisted on going ashore for a last drink. The only thing that saved us from going out and leaving a lot of them was the fact that they were nearly all dead broke, as we sailed on the 17th and their last pay day was the 12th.

This last pay-day question was the source of still more trouble. Learning that the vessel was to sail at 3 p. m. on the 17th, the men came in a body and demanded that the captain advance them some money immediately. This he refused to do, as, of course, was proper under the law. His refusal disgruntled them, and to show their disgruntlement they proceeded forthwith to set a limit to the amount of steam which should be obtained on the voyage. The limit was very low; on one watch it fell to 145 pounds. They thus delayed the vessel very considerably. But for this reprehensible conduct on their part we should certainly have arrived in New York one day earlier than is now possible.

There are many other points that could be mentioned. The foregoing account merely hits the high spots. There has literally been no end of trouble; and it has been continuous, one thing after another in rapid sequence—disgusting to any respectable person, exceedingly trying on the captain in his responsibility for the proper handling of the vessel, and a constant source of irritation to the officers immediately in charge of the low, ignorant, degenerate class of men who make up crew of the engine department.

Mr. SCOTT. I have nothing else now.

Mr. HARDY. If any of these witnesses wants to be heard in reference to the matter brought out by Mr. Thorp in new testimony, I think they ought to be allowed the opportunity.

The CHAIRMAN. How long a time do you want? Do you wish to be heard in reference to this?

Mr. FURUETH. Yes; if I can.

The CHAIRMAN. How long?

Mr. FURUETH. Not very long.

The CHAIRMAN. I do not want to stretch this out too long. I have neglected business with the departments since this hearing has begun and have considerable matters to attend to.

Mr. FURUETH. It will be short if I may be allowed to go ahead.

Mr. HARDY. I am afraid we interrupted Mr. Thorp too much with questions and prolonged his examination.

The CHAIRMAN. Is there anyone else to be heard besides Mr. Furueth?

Mr. FURUETH. I presume not.

The CHAIRMAN. How long a time do you desire?

Mr. FURUETH. I will quit any time you want. I will quit right now if you wish.

The CHAIRMAN. I want to give you a chance. How long?

Mr. FURUSETH. I will take as short a time as possible, and it will not be very long.

The CHAIRMAN. Very well; proceed and get down to the meat of what we want to arrive at on this bill that is before us

Mr. FURUSETH. With reference to weather conditions again, I want to suggest that the committee get the weather conditions from the Weather Bureau, because there is where you can get it in fact and not careful answers to carefully written telegrams. When this bill was passed it had before it some reports of disasters. I will read some from the Lakes.

The CHAIRMAN. That was included in the report to Congress.

Mr. FURUSETH. It was included in the hearings when the bill was passed. It makes altogether what happens on the Lakes less than a page in this book.

The CHAIRMAN. Go ahead.

Mr. HARDY. Instead of reading it give it to the stenographer and let it be included.

Mr. BRIGGS. Let him read it.

Mr. FURUSETH. I will read from the report that was made up from the newspaper accounts, because we could not get it in any other way. We took it from the best newspaper accounts that could be gotten in the country and spent two months in getting it, newspaper accounts from the Lakes from the New York Herald in the Congressional Library. It was impossible to get it any other way.

Mr. SCOTT. Disasters?

Mr. FURUSETH. Disasters: yes. The *Lady Elgin*, Great Lakes, September 8, 1860; there was 287 lives lost. The *Keystone*, November, 1861, with everybody on board, nobody knows how many. This is from 1860 down to 1914.

Mr. FREE. Is this on the Lakes?

Mr. FURUSETH. This is the Lakes I am reading.

The CHAIRMAN. Passengers?

Mr. FURUSETH. Most of these must have been passengers because of the tremendous numbers on board. There was the *Sunbeam*, August 28, 1863, 200 persons lost; *The Water Witch*, November, 1863, number of persons lost unknown; the *City of Detroit*, 1863, 20 persons lost; the *St. Clair*, 1866, 24 lost; the *Morning Star*, June 20, 1868, 26 lost.

Mr. SCOTT. Where was the *Morning Star*? Does it show where she operated?

Mr. FURUSETH. The *Morning Star*, on the Great Lakes, June, 1868. You could not give the whole story there. Then there is the *Hippocampus*, on the Great Lakes, 1869, 43 lives lost; there is the *R. J. Coblurn*, Great Lakes, 1871, 32 lives lost; *Ironsides*, Great Lakes, 1873, all on board lost; do not know how many; a passenger ship, according to reports we had at the time. I remember that. Then there was the *Waubuna*, Great Lakes, 1879, 30 lives lost; then the *Amazon*, Great Lakes, 1879; all on board lost; nobody knows how many. Then the *Alpena*, 1880, 76 lives lost; the *Victoria*, Great Lakes, 1881, an unknown number; passenger ship; the *Manistee*, Great Lakes, 1884, 30 lives lost; the *Algoma*, Great Lakes, 1885, 45 lost; the *Asia*, Great Lakes, 1886, 100 lives lost; the *Vernon*, Great Lakes, 1886, 55 lives lost; the *Chicora*, Great Lakes, January, 1895, 26 lives lost.

Mr. SCOTT. Does it give the date there?

Mr. FURUSETH. Yes; it gives the date, January 24, 1895. The *J. H. Jones*, Great Lakes, November 22, 1906, 27 lives lost. The *Pere Marquette*, Great Lakes, September, 1910, 27 lives lost.

It was impossible for us to get any further facts at the time. We did all that we could, but this is not by any means, what we have got here, anything like the full amount of losses of life.

Much has been said about the *Eastland* here. By the way, I will state something. Take the *Eastland* first. Here is a Government report on the *Eastland* disaster—the whole investigation of it. From it it appears that the vessel was built to carry 500 passengers and a certain amount of cargo on her lower deck. She was converted into a passenger vessel, and at one period she was permitted to carry as much as 2,500 passengers. The real reason for her capsizing is that she was top heavy and overloaded. This comment about the vessel being always higher is a new one to me. The higher you build a vessel up the higher comes her center, and unless you put pig iron in your bottom, a sufficient amount to counteract it—pig iron or lead to counteract—of course she capsizes, as where a vessel is up carrying her sails. If a mule had been around at the time, God help the man who said it.

Take the question of discipline. Discipline? They want to go back, I suppose, to the discipline of years gone by. This book [indicating] is *Two Years Before the Mast*. It is years since I read the book, but I remember something of it, and the statement that I made I bet my fingers that it is in there—that he did not consider himself as a good, real able seaman at the time when he left the vessel. Here is one of the things that he describes; that is, discipline on board of these vessels. "A man was about to be flogged." Flogging a man, they stretch him like this [indicating], tie him to the grating, and the cat-o-nine-tails went on his back. What the man was being flogged for nobody knew except it was the captain's pleasure, and then one man asked the captain: "Why do you flog this man?" He says: "I will flog you, too. I will flog you for your interference for asking the question." So the man says: "Can not a man ask a question on being flogged?" "No," shouted the captain. "Nobody shall open his mouth on board this ship but myself." Then he took and tied him on the grating and flogged him. Then this thing comes along. The man, writhing under the pain until he could endure it no longer, called out in exclamation: "Jesus Christ, Jesus Christ." "Do not call on Jesus Christ," shouted the captain; "He can not help you. Call on Frank Thompson." That is the captain. "He is the man who can help you. Jesus Christ can not help you now." That is so far back in the times that I would not think of quoting anything like that, except I brought it here. That is 1837.

Here is another book. I only show it to you. It is written among our sailors, by Mr. Ewell, consul of the United States at Singapore. The book is written in 1874. It has got in it things that if you will read it, it will run your blood cold. Here is something in a chapter, cruelties practiced on seamen, dealing with shanghaied men. That book is filled with that stuff.

We submitted here during discussion of the seamen's act in years gone by this [indicating]. It is called the "red record." It is

nothing but cases in courts of brutalities, such as you can not describe. In 1851, flogging was abolished, because it was abolished all over the world at that time. There was a wave of humanitarianism running over the world, and they abolished flogging. But they left section 5347 of the Revised Statutes as it was. The statute abolishing flogging simply said "flogging is hereby abolished." Flogging was stretching a man, tying him to the grating or against the rail of a vessel and a man standing over him with a cat-o'-nine tails.

The CHAIRMAN. That was 70 years ago.

Mr. FURUSETH. Yes; before 1851. Then after 1851 men were not tied to the grating.

The CHAIRMAN. That was in the days before human slavery was abolished.

Mr. FURUSETH. That is not right. After 1851 every one of those things took place; every one is reported here. They go back to 1888, to 1896, or 1897. All this is in the "red record." The use of the weapon with which to bring a man to time is here told, like the belaying pin like a policeman's night stick, on the head or shoulders and on the arms, but usually on the head. A heaver, much heavier and stouter than a belaying pin, was used sometimes; caps and bars were used, and some things was done that you can not put in print, testified to in California in my hearing. On one single vessel leaving—I am not talking now about the Lakes—on one vessel leaving 136 days from San Pedro, there was not one single day there was not blood on her deck. Two men jumped overboard and committed suicide in their desperation. Discipline! Is there anything to hinder this man from putting a man in irons out on the Lakes? Nothing whatsoever.

Mr. GAHN. Now, there is not?

Mr. FURUSETH. I say there is nothing to hinder a man from putting a man who disobeys laws on the Lakes in irons. The law gives them the authority to do so.

Mr. GAHN. No; they are within the jurisdiction of every State, and there are laws against that.

Mr. FURUSETH. Excuse me, that is not true. You are mistaken. The maritime law of the United States runs on the Lakes, and a man on the Lakes the moment that a vessel is cast off, the moment that her lines are cast off and she is in motion, even if it is on the Chicago River, the moment he disobeys orders he is to be put in irons until disobedience ceases; if he continues his contumely, he is fed on bread and water.

Mr. GAHN. I do not care what your law is; the State authorities would not allow it.

Mr. FREE. Does that happen to-day?

Mr. FURUSETH. They have the power to do it.

Mr. FREE. Do they do it?

Mr. FURUSETH. That is the trouble with them. Why don't they do it? About two years back they took a woman to court for mutiny, and it was thrown out; it was too ridiculous.

Mr. FREE. Do you contend that there are abuses of this kind on the Lakes now on those boats?

Mr. FURUSETH. As far as using a belaying pin or beating a man; no.

Mr. GAHN. Or any kind of abuses?

Mr. FURUSETH. Yes; plenty of it, if we had the time to bring it, or had the opportunity to bring plenty of it.

Mr. GAHN. I challenge you to name an instance of physical abuse on the Great Lakes?

Mr. FURUSETH. I presume there will be a hearing on this bill when it gets over to the Senate committee. By that time I shall have gathered sufficient facts.

Mr. GAHN. I challenge you to name one instance.

Mr. FURUSETH. Now?

Mr. GAHN. Yes.

Mr. FURUSETH. I could not name one instance now. I say I know. If you ask me if I mean that I was present and saw it, I tell you no. But I was not present when Abraham Lincoln was inaugurated nor was I present when he died, but I know he was inaugurated President, and yet I know that he died.

Mr. GAHN. I challenge you to name a case, whether you have heard or seen of it on the Great Lakes, where there was physical abuse.

Mr. FURUSETH. I am not going into that. I can not do that now. I will do it by and by.

The CHAIRMAN. Go on with your statement now.

Mr. FURUSETH. I say again that the law furnishes it. The law is as plain as anything in the world can be, and it applies to the Lakes in every bit of the same way it applies to the ocean for willful disobedience at sea. He shall be put in irons and given a month's imprisonment, at the discretion of the court, when he gets ashore. For continual disobedience, irons and bread and water; and he can deliver his culprit, at any place he gets to when he stops, to the court. He will be held there, and then he has got time to furnish his testimony and come and complete his charges afterwards.

Mr. BANKHEAD. What are you quoting from?

Mr. FURUSETH. From the seamen's act, section 6 or 7. It is in the Revised Statutes as amended.

Taking passengers from Duluth to another city, there is a vessel goes into Duluth, and the seamen's act says specifically in section 14—I wish these gentlemen from the Lakes would spend a little time with the Department of Commerce and help me to get the seamen's act enforced, and two-thirds of their trouble would be abolished in no time—that foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and manning the same; going into Duluth, if she is below the equipment and manning, below the American standard, she can not leave until the American standard is complied with, if the law is carried out. That is the law as made by Congress and by the President.

All I have got to say to you is from the Congressional Record. I will quote from memory. There was a thing said by the Vice President in the chair. He said: "The bill is before the Senate and open to amendment." He waited. No amendment was offered. Then he read the bill the third time, and he read it again, and the bill is passed, and the hammer came down. Then about a short time afterwards Senator Hoke Smith came up, and whether he came from his room or whether he came from dinner would not make any

difference; at any rate he came up and he raised objections, and he asked right then and there for reconsideration of the vote. The vote was taken, and a little less than two-thirds voted against reconsideration the same identical day. All you have got to do is to look at the Congressional Record and you have it. There is no question of veracity; it is there.

In regard to the strike July 28, 1918, it was on the point of going to strike for that improvement of the wages of the men when the Shipping Board stepped in and changed the conditions somewhat, and as fast as telegrams could be sent out they were sent out, and if any vessel was delayed it could not have been for a long time. However, there is no cure for that, gentlemen, unless you restore the imprisonment upon any seaman who violates his contract to labor, and that kind of thing has not existed on the Lakes since 1874. Since 1874 there never was any such thing on the Lakes as imprisonment for quitting a vessel in violation of the contract to labor. They tried to introduce it there in 1893.

Mr. SCOTT. Are you willing to incorporate and make your contract for the closed ship now, or are you willing to incorporate and make a contract with the shipowner, and then when the fellow over whom you cannot exercise control—I realize it would be humanly impossible to get all men of the same character in any organization, but if you incorporate so you could carry out your contracts and enter into contracts, if a fellow violated the rules of your organization you could follow the procedure that you now follow and expel him, and having the closed ship you could keep him from going back to sea.

Mr. FURUSETH. To begin with, do not let us forget there is not any such animal as the closed ship. There is not any vessel that has got the closed ship anywhere. There is no vessel to-day because one or two men quits her that stops. This stuff is given you for home consumption. Men do not quit vessels unless some extraordinary trouble occurs in the case of one or two men; the rest do not quit on account of that. They could arrest a man when he gets to the next port for refusing duty on board ship, throw him into jail, and let him stay there until trial takes place, and no man on that ship would interfere, ordinarily speaking, and if they were to interfere out on the Lakes that would be mutiny, and mutiny means 10 years' imprisonment, at least.

Mr. BANKHEAD. Is the International Seamen's Union incorporated?

Mr. FURUSETH. Part of it is incorporated. The Eastern and Gulf States Association is incorporated. But, gentlemen, for certain purposes you can incorporate. It makes no difference whether you are incorporated or not. I want to call your attention to the fact that the men come here and complain about the kind of men we got and then it is the same kind they had before. To some extent, that is true. Necessarily, they must to some extent be the same men, because a man must be to sea or on the Great Lakes a certain length of time in order to get an able seamen's certificate from the inspection department. We, ourselves, in a statement put into the record in the Senate and made into a Senate document by Senator Sutherland, and surely to God no one would accuse him of losing his head on any question. He put it in the record, and in a statement he said—I

will read it—that “about 50 per cent of the men going to sea are the sewage of human society,” that all the other classes of men were driven away from the sea because of the condition under which seamen had to live.

Everybody else in the United States was free to quit his work. After 1867 a seaman was not free to do that in the United States until 1899, and not free to quit an American vessel in any other place or a foreigner to quit a foreign vessel in an American port until 1916. Now, when the seamen—and, mind you, in 1899, in the spring they arrested about 30 men in Buffalo, and they had to let them go because of the law in 1898 absolutely abolished imprisonment; kept them in jail overnight and let them go because the law was pulled off. If you want an instance of some things on the Lakes, there is one I can remember.

Mr. SCOTT. Do you deny the testimony that was given to the effect that in recent years a contract has been made by the operators with the unions?

Mr. FURUETH. No; certainly not. I do not deny that there have been contracts made, but they are not closed-ship contracts.

Mr. SCOTT. The contracts will speak for themselves.

Mr. FURUETH. Certainly.

Mr. SCOTT. In that contract you agreed to furnish men and they agreed to hire them.

Mr. FURUETH. Not on your life.

Mr. SCOTT. You did not agree to furnish them?

Mr. FURUETH. No, sir; the contract calls for this, that whenever a member of a seamen's union is employed he shall be employed under conditions and at such wages. It is impossible to agree to furnish men. You would have to pay enough damages to empty the purse of Vanderbilt. I want to say to you again that they have driven to sea the sewage of human society because of the treatment that has been given to seamen, and because of the condition under which seamen had to live the American refused to go to sea. Englishmen gradually refused to go to sea. The Norwegian gradually refused to go to sea, and so throughout Europe the only persons who increasingly went to sea were the Germans from the interior of the country. Those are the actual facts of those things. Just now we are dealing with two things in Europe.

Mr. FREE. Let us leave Europe and get down to the Great Lakes.

The CHAIRMAN. Keep to the American line if you can.

Mr. FURUETH. On that strike, there was no strike. A vessel was held up, but a vessel has been held up before there was a union. The vessel has been held up before there was a union just as much as since.

The CHAIRMAN. What is there in the present condition that compels the union to carry out its contract?

Mr. FURUETH. Absolutely it is the same as the condition that compels the shipowner to carry out his—the moral obligation and nothing else.

Mr. SCOTT. If you made a contract with them to take so many men for a certain length of time and he violated that contract, they could not recover there.

Mr. FURUETH. They did that in Illinois in the case of the piano workers and could not recover. They did that in the case of another

union of Illinois and in the Supreme Court of Illinois the court said such kind of a contract is against public policy and nothing is recoverable under it.

Mr. BANKHEAD. Recoveries of damages have been had against labor unions for breach of contract.

Mr. FURUSETH. Yes; they have recovered from the hatters.

Mr. BANKHEAD. And a mining organization in one of the Southwestern States got a judgment for \$600,000—the United Mine Workers—and they were incorporated.

Mr. FURUSETH. They were not incorporated.

Mr. BANKHEAD. The United Mine Workers of America?

Mr. FURUSETH. No; they were not incorporated, nor were the machinists or the hatters. They collected just the same. But you say incorporated. What have we got to incorporate? The labor power of a human being is not property. The labor power of a human is the life of the human being. It is the human being, and your thirteenth amendment to the Constitution of the United States precludes any man from being compelled to labor against his will.

Mr. SCOTT. That is true, but there are incorporated employment bureaus.

Mr. FURUSETH. Yes; sure there are; they simply say they will furnish so many men. They can incorporate, of course. Nobody goes after them; no trouble with them. They find somebody. We are not employment bureaus. We are not a job trust.

The CHAIRMAN. Is there anything else that relates to this bill? If there is, get on with it.

Mr. FURUSETH. A gentleman from Illinois, Mr. Thorp, said about the Italians that they have Italian bosses who go and bring the men every spring and they stay during the summer and they leave in the fall. I do not doubt it at all.

The CHAIRMAN. I do not quite hear that.

Mr. FURUSETH. Mr. Thorp testifies they have Italian bosses who bring Italians.

The CHAIRMAN. I heard that. What did you say after that?

Mr. FURUSETH. I do not know about it at all. I am satisfied that it is true, because the boatswain is the padrone, and how much of these men's wages goes to the boss is another question.

Mr. BANKHEAD. Does any of it go to him, if you know? That is what we would like to know.

Mr. FURUSETH. We have laws on the statute books forbidding it; had to pass laws forbidding to take seamen's wages from them. Of course, you can not enforce those laws unless the men are willing to testify. You have laws right in this book.

Mr. SCOTT. Section 7.

Mr. FURUSETH. In which it is prohibited by law from taking any of the seamen's money for finding employment.

Mr. BANKHEAD. Do they as a general practice still take it?

Mr. FURUSETH. Certainly they do. The Italians have boarding houses in New York, from which those people in a few years have, from nothing, got up to half a million dollars invested, after 15 or 16 years' keeping of sailors' boarding houses and furnishing men to vessels.

Mr. SCOTT. You do not mean that the companies pay this?

Mr. FURUSETH. If you say this company—if you mean this company—I will say no; I do not know. If you say shipping companies, yes; I say I do know.

Mr. SCOTT. Where? On the Great Lakes?

Mr. FURUSETH. I do not say on the Lakes on that question because I do not know; but I say shipping companies get part of that money, and sworn testimony to that effect was given to the committee on the Merchant Marine and Fisheries when Grosvenor of Ohio was chairman of the committee.

The CHAIRMAN. That was many years ago.

Mr. FURUSETH. It continues yet, Mr. Chairman, to some extent.

Mr. SCOTT. It is a fact that on the Great Lakes men employed on ships get their time and go to the purser and get their money—each one of them—and they sign a receipt for it.

Mr. FURUSETH. I do not know what they do on the Lakes with reference to that, because I am not sailing on the Lakes and have taken very little interest in the Lakes.

Mr. SCOTT. You were talking about this particular company.

Mr. FURUSETH. I will say about these particular Italians that in all probability the boatswain was the padrone.

The CHAIRMAN. That has been repeated. Get down to something else.

Mr. SCOTT. It is so indirect, a probability or a possibility. I ask you if you have any proof that this owner was charging tribute?

Mr. FURUSETH. I say if I had direct proof I would have him arrested under the law.

Mr. SCOTT. Sure.

Mr. FURUSETH. Having nothing but indirect proof I have not been able to do it yet.

Mr. SCOTT. It seems to me that sort of statement by imputation ought not to be made unless you have some proof.

The CHAIRMAN. Go on with your testimony to finish the business. Do not get into those wild notions that you say you know nothing about.

Mr. FURUSETH. No; I do not. In conclusion, gentlemen, I am pretty near through with this, thank God. In conclusion, I again want to say this, that these shipowners have given testimony here for years about the condition of safety on the Great Lakes. In some instances their business was cut in two because of their own testimony, because attention was called to the real facts. The board of education of the city of Chicago investigated whether the men could handle lifeboats and when they had investigated they came to the conclusion that it was dangerous to let the school children go on the boats at all. I have not the report here because I did not think of bringing it. I will get it some other time at some other place, probably. It is a resolution that was adopted.

These gentlemen, and I want to warn them honestly, if we wanted to do it, these two men sitting here and I could pick out the testimony of the shipowners themselves from the congressional investigations and from the testimony given before the courts, publish it in little flyleaves and scatter it around to the Lake cities and their passenger trade would end; practically end.

Mr. MACLEAN. So would your jobs.

Mr. FURUSETH. My dear sir, my job is of no consequence to anybody, even to me. I can make just as much money going to sea as I do now, in spite of my poor eyes, and I will never ask any man for a job. That kind of a sneer!

Mr. SCOTT. You evidently think that statement was made by me.

Mr. MACLEAN. I am perfectly responsible for it. So would your jobs.

Mr. SCOTT. The statement was not made by Mr. Maclean in a capitious way.

Mr. FURUSETH. And so would your jobs.

Mr. SCOTT. He said the moment the ship stop all the jobs stop. That is actually true.

Mr. FURUSETH. I said in answer to that, so much better for the men themselves. Then they go to something else.

Mr. SCOTT. Did you say that the school boards of the various towns at Chicago had prevented the school children from going on ships?

Mr. FURUSETH. No; I said that the school board of the city of Chicago made an investigation into the manning of vessels carrying school children out of Chicago and they reported back that the men employed were utterly unfit to handle boats or to have those children intrusted to their hands.

Mr. SCOTT. When was this?

Mr. FURUSETH. 1914, I think. I am not absolutely sure of that. In 1914 or 1913; it was one of the times when there was so much discussion about the safety on the Lakes and at sea.

Mr. SCOTT. You do not know what ship they were investigating?

Mr. FURUSETH. They investigated several ships.

Mr. SCOTT. Will you tell the committee the names of the ships they were investigating?

Mr. FURUSETH. I have not any records.

Mr. SCOTT. You are presuming to testify on some specific instances, and I am anxious to find out what they were. There is no way of answering it.

Mr. FURUSETH. I did not state the specific ship. I said they investigated the ships.

Mr. SCOTT. Have you a copy of the report?

Mr. FURUSETH. I have not got it here, but I can have it. I did not think of bringing it here.

Mr. SCOTT. You are testifying about a report that no member of the committee has seen.

Mr. BANKHEAD. Will you furnish it for the record?

Mr. FURUSETH. Absolutely; I can furnish it.

Mr. BANKHEAD. Then furnish it for the record.

The CHAIRMAN. Is that all?

Mr. FURUSETH. As far as I am concerned; yes, sir.

Mr. BANKHEAD. Is there any considerable number of these able-bodied seamen who have served on the Great Lakes who are married men or men with families?

Mr. FURUSETH. Out of all the members of able seamen that we have on record, which is something like 40,000, including able seamen on the Lakes and ocean, less than 4 per cent are married men.

Mr. BANKHEAD. Have you testified any on the proposition of the extra hazards charged against those employed on the Lakes by the life insurance companies? If you have, I will withdraw the question.

Mr. FURUETH. So great is that that I never knew a man who insured his life as a sailor because the premium is so forbidding. I have not got the exact figures. It is so much so that I, as a matter of fact, until I talked with somebody else, did not think that they would take sailors at all. That was my impression and conviction until one of the men here told me that some on the Lakes had tried it and that they would take sailors but on an extraordinary high premium. There is no life so hazardous known at all as the seamen's.

Mr. BANKHEAD. That is all.

Mr. SCOTT. In view of the testimony that has been given by Mr. Furuseth, I want to incorporate in the record the navigation laws of the United States, the last published, 1919, on pages 324-325, where there appears an act signed by the President on June 20, 1874, as follows (I will only read that section which is particularly applicable to the subject matter) :

Whenever the manager, owner, or agent of any vessel of the United States has reason owing to nonappearance of such vessel or to any other circumstance to apprehend that such vessel has been lost he shall, as soon as conveniently may be, send notice in writing to the collector of customs of the port to which said vessel belongs of such loss and probable occasion therefor, list of names, and official number of the vessel, the names of all persons on board, so far as the same can be ascertained, and shall furnish upon request of the collector of such port such additional information as he may be able to, and if he neglects to comply with the above requirement within a reasonable time he shall incur a penalty of \$100. It shall be the duty of the collector of customs to immediately transmit to the Secretary of the Treasury such report and information.

Those reports have been going into the customs department since 1874 in accordance with the law. They are transmitted through the customs department to the Coast Guard Service and to the Department of Commerce. Those reports, official in character, become a part of the Supervising Inspector General's report made each year. In view of the fact that the statement has been made that in consequence of improper conduct on the part of operators that the traveling public has been cut in two in number, I submit the following tabulation selected from the reports of the Supervising Inspector General of the United States commencing on June 30, 1910, and ending on June 30, 1920. I will incorporate these exactly if the committee wish it.

Mr. BANKHEAD. What is it—the number of passengers carried?

Mr. SCOTT. - Yes.

Mr. BANKHEAD. On the Lakes?

Mr. SCOTT. On the Lakes. In 1910 there were 14,957,563 passengers carried. There were 100 lives lost; and with the then existing life-saving devices on board ships there were saved 153 persons. During the year the number of passengers lost in wrecks, or founders, collisions, fire, or any other cause except suicide was none. In 1911 there were 16,673,834 passengers carried. The number of persons on passenger and freight ships who lost their lives during that year was 27 by wreck and founder and 23 by collision, none by fire; a total of 50. No passengers lost. With the life-saving appliances then in existence and then used on board ships there were 79 lives saved. In 1912 there were 16,794,722 passengers carried on the Great Lakes. There were 11 persons on both passenger and freight ships who were lost by wreck or founder, 14 by collision, and none by fire.

The total number of passengers lost that year from any cause except suicide was none. I mean to say that was equally true through all the other years; that the then (1912) life-saving appliances that there were on board ship saved 100 by means of the life-saving appliances required by the Department of Commerce.

In 1913 the report of the Supervising Inspector General appears to have been incomplete. It does not give the total number of passengers carried during the year as it does in the others, I should say. On page 13 of the Supervising Inspector General's report in the year 1913, that takes it down to June 30, 1913, he reports that there were no disasters on the Great Lakes during that fiscal year from June 30, 1912, until June 30, 1913. His report is so incomplete in that respect I am endeavoring, but have been unable, to get the figures indicating the number of passengers who were lost; it was so small that he does not carry it in his tabulation of other years. It does not seem conceivable that there was not a life lost on the Great Lakes during that year, and I can not bring myself to believe that, but I am going to the Customs Department and also to the Coast Guard Service in order that I may make correction to that report, which appears to be incomplete.

In 1914 the passengers carried on the Great Lakes were 17,221,458. The persons lost on both passenger and freight vessels by wreck and foundering were 177, by collision 1, by fire none. The number of passengers lost on all passenger lines operating on the Great Lakes during the year 1914 was none. Persons employed on ships, both passenger and freight, saved by the life-saving appliances required by the Department of Commerce during that year were 98. In 1915, passengers carried were 16,598,707. Passengers and crew lost by foundering or wrecks during that year were 44; passengers and crews loss of life by reason of collision, none; by fire, none; number of lives saved by life-saving devices required by the Department of Commerce during that year, 16. Loss of passengers on the Great Lakes by passenger vessels—and you understand that means ferries, too—none. In 1916 the number of passengers carried were 16,624,086. The number of passengers and crew lost by reason of wreck or foundering were 836; by reason of collision, none; fire, none. Lives saved by life-saving devices required by the Department of Commerce, 65. Out of these 836 persons 811 were passengers and 25 were members of the crews of freight-carrying ships.

Mr. GAHN. Does that include the seamen?

Mr. SCOTT. Seamen, passengers 812.

Mr. GAHN. That was in the river?

Mr. SCOTT. In the river; subtracting that from the 836 makes 24 persons who lost their lives from all causes, wreck and foundering, collision, and fire, during that year. In 1917 passengers carried were 17,402,961; lives lost by wreck or foundering, 48; by collision, 19; by fire, none; lives saved by life-saving devices, 127; passengers who lost their lives, 18.

Mr. GAHN. That was the year of the *Christopher Columbus* disaster on the Milwaukee River?

Mr. SCOTT. Of the 18 passengers who were lost during that year and charged to this mortality table, 15 lost their lives on board the

Christopher Columbus. On June 30, 1917, the report of the supervising inspector general commenting on the accident described it as having occurred in the river at Milwaukee, and as the vessel was winding her bow struck a steel structure about 100 feet high on the wharf, causing a large water-sprinkling system to topple over and crush the pilot house and upper decks and killing 15 persons. The accident was caused by high water and extremely strong current in both rivers at the time. So that accounts for 15 of 18 passengers that lost their lives. In 1918 they carried 16,075,933 passengers. The number of passengers who lost their lives by reason of wreck or by foundering was 64; in collision, 119; by fire, 14. Persons saved by life-saving devices on board ship at the time, 49. Number of passengers who lost their lives during 1918 in passenger service or ferry, none. In 1919 the total number of passengers carried was 14,594,144; the number of persons who lost their lives by wreck or foundering, 78; by collision, 105; number by fire, 7. Number of persons whose lives were saved, 17; number of passengers whose lives were lost on the Great Lakes that year, none.

In 1920 the number of passengers carried was 18,933,681. The number of persons who lost their lives by wreck or foundering, 80; by collision, 112; by fire, 17; a total of 209. The number of persons whose lives were saved by life-saving devices was 73. The number of passengers who were lost was 17.

MR. BRIGGS. These records relate only to American ships, ships of American registry?

MR. SCOTT. Yes.

MR. JEFFERIS. It takes in the ocean as well?

MR. SCOTT. The report on the ocean is covered in an abbreviated form, if you wish me to put it in.

MR. BANKHEAD. I do not think that is pertinent.

MR. JEFFERIS. This which you are reading is on the Great Lakes exclusively.

MR. SCOTT. Yes; passengers carried on the Great Lakes.

MR. BANKHEAD. I have no objection to the ocean percentages going in.

MR. SCOTT. Now, on the 1920, in which 17 passengers' lives are chargeable, the supervising inspecting general, on page 15, has the following to say:

On October 28, 1919, it was about 4.20 a. m. when the steamer *Muskegon*, at the northwestern corner of the south border at the entrance of Muskegon Harbor during the cold and heavy sea, foundered, resulting in the total loss of the ship and the loss of 23 lives.

Of the 23 lives in the table above, the statement which I just read, chargeable to passengers, is 17, so that I have made my tabulation of the 17 passengers from that statement.

Evidently 17 of the 23 persons who lost their lives were passengers on board the ship, leaving 6 of the crew who evidently lost their lives, and that is verified in the report which I have just referred to as 6 person of the crew.

MR. BANKHEAD. Are you through with the figures?

MR. SCOTT. Yes.

MR. BANKHEAD. What inference do you wish us to draw from that tabulation?

Mr. SCOTT. In view of the comment that was made here by Mr. Furuseth as to the number of lives actually lost running up into the thousands back in the old days when we were operating wooden ships, and his reports were not directed at particularly whether it was passenger or freight, I have attempted in this report to cover a period of 10 years—5 years before the law went into effect and 5 years after the law went into effect—in order that this committee may know exactly the number of lives lost before the law went into effect and afterwards.

Between 1915 and 1916 the law was in process of being enforced and it really was not chargeable to either account because they were just making the transfer. Taking the five years before 1915, to wit, 1910, 1911, 1912, 1913, and 1914, the total number of persons who lost their lives by wreck, foundering, collision, or fire, or any reason incidental to navigation for the five years prior to the adoption of this law, was 353. For the five years after the law went into effect, not counting 1915 or 1916, but after the law was firmly in effect, to wit, 1917, 1918, 1919, and 1920, for four years after the law as against five years before the law went into effect, they lost 663 persons.

Mr. BANKHEAD. How many of those were on the *Eastland*?

Mr. SCOTT. None. The 663 constitute the number that were lost after the *Eastland* disaster occurred because the *Eastland* disaster occurred in summer after the law became operative in the fall and they were just then transforming their ship and getting their equipment in accordance with the law. For the six years 1910, 1911, 1912, 1913, and 1914 and 1915, which was prior to the law, because this report only goes up to June, 1915, there was not a single passenger lost out of approximately 96,000,000 persons who were carried during those six years.

There was not a single passenger who lost his life by wreck, foundering, collision, or fire. There were a few passengers who lost their lives in consequence of suicide, and not a single passenger during those entire five years lost out of a passenger ship in consequence of a wreck, collision, or fire on board ship. After that time, excluding the *Eastland* disaster, which was in the river at the time, and certainly ought not to be charged to the operation of the ship, because it was tied up at the dock, for the last four years 1917, 1918, 1919, and 1920 there have been only 35 passengers who have actually lost their lives out of a passenger carrying capacity of between 60,000,000 and 70,000,000 people.

Mr. JEFFERIS. Would that term, for instance, include storms?

Mr. SCOTT. It includes every life lost while on the ship or in navigation. If there was a storm and a man lost overboard that would be chargeable to the operation of the ship.

Mr. BANKHEAD. I understand that the final analysis of your deductions is to the effect that additional life-saving equipment has been of no real value?

Mr. SCOTT. The figures speak for themselves.

Mr. BANKHEAD. I just want your statement. I am not attempting to examine you. I just want your views on it.

That showing of carrying of passengers with a minimum of fatalities impresses me as a very remarkable record.

Mr. SCOTT. I did not intend to let that rest with simply this report, which is just as authentic as it possibly could be; but I have asked the Coast Guard Service to furnish me their reports, and I expected to have them here to-day, but I called up my office a moment ago and they had not come down. Then I called up the Secretary of the Treasury, and he referred me to the Customs Division. I called up the Customs Division, and they told me that these reports came in, but they made no tabulation of them themselves; that the original reports made by the collector of customs at the various ports were in compliance with this provision of the statute passed in 1874 compelling the report to the collector of customs at each port on the part of owners or operators of ships, and these reports came in and went through largely in a perfunctory manner and the originals were in the Coast Guard Service. I am attempting to verify that by the Coast Guard, and in that connection I hope to have here this afternoon, in order that it might be contained as a part of the record, the exact location of the 62 life-saving stations on the Great Lakes, their present personnel, and the amount of equipment that they are using. My purpose in having that is to show that the 62 life-saving stations stretch all along the shore—to show the distance between each one.

Mr. CHINDBLOM. Do you want to put those figures in the record later as to the Coast Guard stations?

Mr. SCOTT. I expect to have those Coast Guard stations, which is simply a map; there certainly could not be any question in the way of disputing it, as the Coast Guard Service ought to know where their stations are, and they are going to send me a map and a book showing where each one of those stations are, the number of men in the stations, the number of life-saving boats in operation, and the character of the boats that are in operation at each one of the stations, and the distance between the various stations up and down the Lakes. I assume that. I do not know as it will be necessary to put that in the testimony. What do you think about that, Mr. Bankhead?

Mr. BANKHEAD. I have no objection to that.

Mr. SCOTT. I thought I would have it all here this afternoon.

Mr. BANKHEAD. There will be no dispute about the location of the life-saving stations, I presume.

Mr. SCOTT. The Coast Guard Service ought to know.

Mr. BANKHEAD. Just one question for my information. Figuring the number of passenger ships per those tabulations which you have introduced, does that include the number of passengers carried exclusively on the Lakes or on the rivers adjacent to the Lakes and sounds and harbors?

Mr. SCOTT. We have no sounds on the Lakes nor bays. As far as the Great Lakes are concerned, the only exception under which we are permitted to operate is the rivers. We have no sounds or bays within the interpretation of the statute.

Mr. BANKHEAD. Do those figures you have offered include the number of passengers carried exclusive of those carried on the body of the Lakes or carried on streams?

Mr. SCOTT. Carried on the Great Lakes and the rivers.

Mr. BANKHEAD. Vessels of any character?

Mr. SCOTT. Vessels of all character.

Mr. BANKHEAD. Pleasure yachts?

Mr. SCOTT. No; it only covers registered passenger ships.

Mr. GAHN. Steamboats?

Mr. SCOTT. The statement I read from the Supervising Inspector General's report—"Statement of loss of lives and the number of passengers carried on vessels subject to inspection."

Mr. BANKHEAD. A ferryboat crossing the river is subject to inspection according to the law?

Mr. SCOTT. Yes; ferryboats are subject to inspection. You mean ferryboats between Detroit and Windsor?

Mr. BANKHEAD. Yes.

Mr. SCOTT. Undoubtedly.

Here is a telegram directed to the chairman of the committee, Hon. William S. Greene. It is dated Cleveland, May 7, and reads as follows:

HON. WILLIAM S. GREENE,

Chairman Committee on the Merchant Marine and Fisheries,

House of Representatives. Washington, D. C.

The executive committee of the Perry's Victory Memorial Commission, representing six States bordering on the Great Lakes and the States of Rhode Island and Kentucky, in session here to-day, unanimously indorsed the Scott amendment to the La Follette Seamen's Act.

WEBSTER P. HUNTINGTON, *Secretary.*

Mr. BANKHEAD. What commission is that, Mr. Scott?

Mr. SCOTT. I only know in a general way. It was a commission that was appointed to commemorate Perry's victory on Lake Erie.

Mr. GAHN. They built a monument after the fashion of the Washington Monument on Put in Bay Island.

Mr. SCOTT. I think that is all I care to introduce.

Mr. BRIGGS. Do those statistics you have there show the number of ships that were in disasters?

Mr. SCOTT. The number of ships?

Mr. BRIGGS. Yes; with the names, etc.

Mr. SCOTT. It does not, except in a general way. I did not want to tire the committee. I selected only what I thought were the vital matters; but if you wish to go into the details of the proposition it is a very simple matter, because I worked that out myself.

Mr. BRIGGS. I thought that if you had it there it could be read into the record.

Mr. SCOTT. It is not incorporated in that way. The way the Supervising Inspector General handles his reports touching those matters is this: He goes on to show the accidents, and says:

The loss of life was due largely to the following disasters:

July 12, 1909, during a dense fog, a collision occurred between the steamers *John B. Cowl* and *Isaac M. Scott* off Whitefish Point, Lake Superior. Three minutes after the collision the *John B. Cowl* sunk, carrying with her 14 members of her crew, who were drowned.

That accounts for 14.

Mr. BRIGGS. Where is that taken from?

Mr. SCOTT. That is taken from the Supervising Inspector General's report of 1910.

Mr. CHINDBLOM. Will it be necessary to read such a report as to each accident?

Mr. SCOTT. Yes.

Mr. CHINDBLOM. I do not see that that gives us any more light than we have.

Mr. SCOTT. That is the reason I have refrained from reading them. I read them all myself in order to reverify my figures and to insure their being absolutely correct.

Mr. BRIGGS. What I was speaking about was the ships, rather than——

Mr. SCOTT. Yes; it gives the names of the ships.

Mr. BRIGGS. I do not think your figures before covered the ships. You covered, I think, the number of lives lost, but not the number of ships, or anything of that kind, or the circumstances.

Mr. SCOTT. Well, if you want the names of the ships in the accidents, there was a collision and only one ship was lost. In 1910 the five ships that sank during that year were all freight vessels.

Mr. BRIGGS. What were their names? Have you got them there?

Mr. SCOTT. Yes; the *Cowl*, the *Clarion*, the *Marquette*, and *Bessemer No. 2*, and the *Frank H. Goodyear*.

Mr. BRIGGS. Does that give the circumstances, just as in the other cases?

Mr. SCOTT. Yes.

Mr. BRIGGS. I wish you would read that. I would like to hear that. I just want to get some idea.

Mr. SCOTT (reading):

On December 8, about 7 o'clock, the freight steamer *Clarion*, when about a mile north of Southeast Shoal Lightship on Lake Erie, was discovered to be on fire between decks. A heroic effort was made to subdue the fire with the steam fire apparatus and fire hose, but without avail. The crew took to the boats, one of which contained 13 men, which was never heard from. One of the crew lost his life attempting to subdue the fire. Another was lost from one of the lifeboats, making a total of 15 lives lost.

On December 7 the *Marquette* and *Bessemer No. 2* left Conneaut, Ohio, at 10.25 a.m. bound for Port Stanley, Ontario. A heavy gale, with snow and sleet, occurred for several days after she left. The steamer was never reported. One of the steamer's lifeboats, with the dead bodies of several of the crew, was picked up by a tug. That was all that was ever known of the steamer. The owners reported that 30 men were lost.

On May 23 the steamers *Frank H. Goodyear* and *James B. Wood* collided on Lake Huron below Thunder Bay Island, in a dense fog, and the *Frank H. Goodyear* sank. Only 5 of her crew of 23 were saved, 18 lives being lost.

Mr. BRIGGS. Those are the occurrences of 1910?

Mr. SCOTT. Yes.

Mr. BRIGGS. I wish you would read the other years.

Mr. GAHN. Were they all freight boats?

Mr. SCOTT. They were all freight boats.

Mr. BRIGGS. You are taking now the report of 1911?

Mr. SCOTT. Yes. In 1910 there was only one ship that was sunk by reason of operations and on which any lives were lost at all—well, that were sunk at all because of a disaster.

On September 9 the steamer *Pere Marquette No. 18*, from Ludington, bound for Milwaukee, with a cargo of 29 loaded cars, sank from some unknown cause. Twenty-seven lives were lost, many being killed by the sea and floating wreckage. That is a car ferry that carries only freight cars from one terminal of the railroad to the opposite terminal over on the Milwaukee side.

Mr. BRIGGS. That was the only disaster during that year?

Mr. SCOTT. That was the only disaster during that year, in which there were 27 lives lost. That is 1911.

On September 2, 1911, the steamer *Philip Minch*, while entering Toledo Harbor straight channel, came into collision with the gasoline motor pleasure boat, the *Nemo*. The launch had eight occupants, seven of whom were drowned.

That is the only one that is carried in the report of the inspector general during that year, although in my tabulation I have 11 charged, so evidently there were four that were either washed overboard or some other similar accident that is not carried. It was not a wreck or anything of that kind.

Mr. BRIGGS. It is not carried in that section of the report?

Mr. SCOTT. No; it was simply a loss of life incident to navigation.

Mr. BRIGGS. What is this report you are reading from now, 1913?

Mr. SCOTT. I am reading from 1913 now.

Mr. BRIGGS. All of these are for the fiscal year ending June 30?

Mr. SCOTT. In 1913, although the Supervising Inspector General starts out his report by saying: "The following disasters resulted in an unusually large loss of life," an examination of his compilations in his report disclose the fact that all of the lives that were lost that year were lost on the ocean. He has not charged or mentioned in his report a single accident on the Great Lakes, and in my report I charge no losses to the Great Lakes. That is the one that I said to you a short time ago in making my statement I did not think was accurate.

Mr. BRIGGS. You think there were some inaccuracies?

Mr. SCOTT. Yes; there must be some inaccuracies, although you understand that this report, although it is chargeable to 1913, only goes up to June 30, 1913, so really it is from June, 1912, to June, 1913, and does not take in the calamity that fall which has been mentioned by the witnesses. That will appear in 1914.

In 1914 this statement appears:

During an extremely severe storm, which raged with uncommon fury on all the Great Lakes, particularly on Lake Huron, November 9 to 10, 1913, the following steamers with their entire crews foundered, resulting in the loss of 161 lives: *Henry B. Smith*, *Argus*, *Hydrus*, *Charles S. Price*, *John A. McGean*, *Isaac M. Scott*, *William Nottingham*, and *James H. Martin*.

Mr. GAHN. Freight boats?

Mr. SCOTT. All freight boats, with a loss of 161 lives. That is the only accident which the Supervising Inspector General reports.

Mr. BRIGGS. What are the circumstances Are they given in the report?

Mr. SCOTT. They do not say anything about this particular accident.

Mr. BRIGGS. Do they give the time of the year of those occurrences?

Mr. SCOTT. Yes; that was on November 9 and 10, 1913. That was described here, Mr. Briggs. I do not know whether you were here or not. I do not know whether it was a typhoon or what it was that came up. It is something that never occurred before and has never occurred since.

I know my statement is absolutely correct. I know because I was right on the Lakes at the time—I was not out on the Lakes, but I was living on the shore of the Lakes at the time, and, of course, that

information came in, and it is very fresh in my memory, very vivid.

Mr. BRIGGS. What was the character of these vessels, wood or steel?

Mr. SCOTT. Some of them were steel and some of them wood. About two of them were steel and the other three were wood. It did not make any difference whether they were wood or steel on that occasion.

Mr. BRIGGS. The storm was too severe?

Mr. SCOTT. Yes; because it took those vessels right up and turned them upside down. The whole storm was within a radius of 10 or 15 miles outside of the lightship, which is 5 miles off the mouth of the St. Clair River, right off of Port Huron. All the disasters occurred south of Lexington, which is 25 miles north of Port Huron. I think you will find that within a radius of that space is where the accidents occurred.

Mr. GAHN. The passenger boats do not run through there that late in the season, do they?

Mr. SCOTT. Yes; in 1915 we had passenger boats running. On that night, when this storm occurred, the steamer *City of Alpena*, which is named after my home town, came down the lake and had a notification from the Weather Bureau, as she always does at every port, indicating the storm signals and what the prospect of the weather is in the next leg of her voyage. She got a report that an intense storm of unusual fury would rage that night, and she laid at Harbor Beach and did not go out until the storm had subsided, and then she went out and made Port Huron. So that we were right at that very second operating passenger vessels on the Great Lakes.

Mr. GAHN. Has it been explained in this hearing about the weather service on the Great Lakes and how they telegraph ahead to the vessels?

Mr. BRIGGS. You are going to file a statement from the weather service showing that for some years back?

Mr. SCOTT. Yes.

Mr. BRIGGS. I think that would be a good idea, just as the Congressman suggests.

Mr. SCOTT. On November 19, 1914, the steamer *Curtis*, with the barges *Marvin* and *Annie M. Peterson* in tow, encountered a storm of unusual violence, with the result that the steamer and barges foundered in the vicinity of Grande Marais, Mich. Grand Marais, Mich., is on Lake Superior, about 100 miles north of the Sault. The crew of all three vessels, a total of 28 persons, lost their lives. That is a freight vessel on Lake Superior, and I may say in that connection that, as a matter of justice, as a matter of fairness to the situation—I think everybody will agree to this statement—as far as the danger on the Great Lakes is concerned, Lake Superior is by far the most dangerous.

That is the only accident that the Supervising Inspector General reports for the year ended June 30, 1915, a loss of 28 lives, as chargeable to any calamity at all—one ship sunk.

In 1916 the *Eastland* disaster is reported, with a loss of 812 lives. That is the only disaster.

Mr. BRIGGS. What did the Supervising Inspector General say about that? There has been so much testimony on that here that I think it would be interesting to have his report incorporated in the record.

Mr. Scott (reading) :

On July 24, 1915, the passenger excursion steamer *Eastland*, while lying at her dock at Clark Street, Chicago, Ill., loaded with 2,500 passengers, rolled over on her side, resulting in 811 of the passengers and 1 of the crew, a total of 812 persons, losing their lives. This disaster was the subject of a special investigation, which was in the personal charge of the Secretary of Commerce, and resulted in a special inquiry into the inspection conditions on the Great Lakes by a committee of supervising inspectors, the members of which were selected by the Secretary.

Mr. BRIGGS. Is that report contained in the——

Mr. SCOTT. In this report?

Mr. BRIGGS. Yes.

Mr. SCOTT. No; because at the time this book was issued this commission had not made their report, and the report was made to the Secretary.

Mr. BRIGGS. That is the 1916 report?

Mr. SCOTT. Yes; ending June 30, 1916. That investigation was the following summer.

Mr. BRIGGS. Is that carried in the next report—in the report for 1917?

Mr. SCOTT. No; the Supervising Inspector General would not carry the result of that investigation, because it was a very long investigation, and there were a great many witnesses sworn.

Mr. BRIGGS. I thought perhaps he might have a summary of it or something of that kind.

Mr. GAHN. Can you not give us something from your own knowledge, Mr. Scott, as to how that happened?

Mr. BRIGGS. I thought that inasmuch as they made a special inquiry for the Secretary of Commerce that he would have it right there.

Mr. GAHN. I know that at the time it was generally supposed that she listed away from her dock on a very warm day. The passengers were getting on and the dead lights were opened by some of the crew down below to get some fresh air. They opened them on the opposite side of the dock, and there was a fire on the river which caused the fireboats to go by and that caused the passengers to go on the outer side of the boat, which caused her to roll that way and the dead lights to take in water, and the more water they took in the farther the boat rolled, and she sank. Those on the other side were not thrown into the matter.

Mr. SCOTT. That is the only accident that was reported that year. There were 812 lives lost.

Mr. BRIGGS. That is for the fiscal year ending June 30, 1916?

Mr. SCOTT. Yes.

Now, in 1917 the steamer *James B. Colgate* and the *Merida* foundered during a heavy gale in Lake Erie, resulting in the loss of 24 of the crew of the former and the entire crew of 23 persons of the latter vessel. That was on October 20, 1916. Both of these vessels were freighters.

Mr. BRIGGS. Does it show where they foundered?

Mr. SCOTT. Yes; they foundered in Lake Erie.

Mr. GAHN. In Canadian waters?

Mr. SCOTT. On June 30, 1917, the steamer *Christopher Columbus* had her accident in the Milwaukee River. I read that just a few

minutes ago about when they hit her water tower, and it came down on the deck of the ship and killed 15 passengers. Those two accidents are the only accidents recorded by the Supervising Inspector General during that year. Those two accidents almost account for the entire number of lives that I credited in my previous tabulation.

In 1918 the steamer *Desmond*, while enroute from St. Joe, Mich., to Racine, Wis., loaded with sand, was driven out of her course by a storm, and while endeavoring to enter the harbor at South Chicago took in so much water over the side that she foundered, resulting in seven of her crew losing their lives. That is the only accident that he reports.

Mr. BRIGGS. That was the only one in 1918?

Mr. SCOTT. That is the only one he mentions in 1918. I do not know whether this next one is chargeable to the Great Lakes or not. It does not show where the accident occurred.

On December 9, 1917, the barge *Lancaster*, in tow of the steamer *Georges Creek*, foundered during a severe storm off Winterquarter Light Vessel, resulting——

Mr. BRIGGS. Where is that?

Mr. SCOTT. I do not know. Winterquarter Light Vessel might apply to any of them. I never heard of it, but it might be possible that they have a light vessel up on the Great Lakes known as the Winterquarter Light Vessel.

Mr. THORP. No there is not, Mr. Scott.

Mr. SCOTT. Then that is not chargeable to the Great Lakes.

Mr. BRIGGS. These men say they know of no such light.

Mr. SCOTT. Now, in 1918, the only catastrophe he carries there is on the Illinois River, in which the *Columbia* hit the right bank of the river, with the result that the steamer sank, causing the loss of 87 lives.

Mr. GAHN. The Illinois River is where?

Mr. SCOTT. It does not say where it is.

Mr. GAHN. That does not run into the Great Lakes, does it?

Mr. WILLIAMS. That is a Mississippi River steamer, is it not?

Mr. SCOTT. That would not be chargeable to the Great Lakes, then?

Mr. WILLIAMS. No; that would not be in the Great Lakes in any sense of the word.

Mr. SCOTT. Each year he has confined his report more to tabulations than identifying them.

Mr. BRIGGS. You are getting down now to tabulations instead of descriptions?

Mr. SCOTT. You will notice that in his first book that I read from, for the fiscal year ending June 30, 1910, he has 387 pages, and in 1920, or the book I was just reading from, 1919, he has the same information contained in 42 pages, so he has been cutting it down and using his tables rather than identifying the particular wrecks.

Mr. BRIGGS. Is that the effect of the Joint Committee on Printing?

Mr. SCOTT. I do not know; I would not be surprised.

Then, as I told you, the next one is 1920, the sinking of the steamer *Muskegon*.

Mr. BRIGGS. Which report are you reading from now; 1920?

Mr. SCOTT. 1919 and 1920.

Mr. BRIGGS. What date is that?

Mr. SCOTT. That is October 28, 1919. The steamer *Muskegon* ran into the pier at Muskegon, and they lost 23 people.

Then, on November 11 of the same year the *John Owen*, which was a freight vessel, foundered.

Mr. BRIGGS. Were those vessels wood or steel?

Mr. SCOTT. I do not know whether the *Owen* was a steel vessel or not. Someone said she was a steel vessel.

While en route from Duluth, Minn., or Lake Superior, to Midland, Ontario, loaded with 100,000 bushels of grain, the steamer *John Owen* foundered and the entire crew, consisting of 22 persons, was lost.

On November 22, 1919, the steamer *Myron*, while bound from Munising, which is in the upper peninsula on Lake Superior, with the barge *Miztec* in tow, both loaded with lumber, foundered 6 miles west of Whitefish Point, on Lake Superior. Sixteen lives were lost in this accident.

Mr. GAHN. Did the freight boats that went down, as far as you know, have 100 per cent life-saving equipment?

Mr. SCOTT. They had to have at that time.

Mr. BRIGGS. Does it show the cause of their foundering, or just the conclusion?

Mr. SCOTT. Well, when a boat founders she usually founders in consequence of a heavy sea.

Mr. BRIGGS. I meant whether as the result of a collision or storm?

Mr. SCOTT. No; if it was a collision, it would be specifically stated, but these two ships evidently foundered on account of a very heavy sea. I do not know what those ships were. Evidently both those boats were wooden boats, because there are very few steel boats that carry lumber.

Mr. BRIGGS. Were they both lumber boats?

Mr. SCOTT. They were both lumber boats; yes.

Those three accidents in 1919 and 1920 account approximately for the 80 lives that were lost by wreck or foundering.

Mr. BRIGGS. Have you any tonnage statistics with regard to the Lakes for the last 10 or 15 years?

Mr. SCOTT. I am frank to say, Mr. Briggs, that when this proposition came up I assumed that the gentlemen in the shipping game would have that information at their finger tips, and I have never talked to any of the witnesses who appeared before this committee in advance of their appearing or after their appearance. I have never discussed their proposition with them. They came in here and told their story without any suggestion from me, but I supposed they would have all this information. Now, when I find that is not available in regard to the amount of tonnage in years past, I have now started and am now tabulating in my office the exact amount of tonnage, based on the records of the Department of Commerce, and the total amount of freight and passenger tonnage from 1910 down to 1920. I figured that five years before and five years after would fairly represent a basis upon which a reasonable determination could be made. I hope to have that information, and I will bring the records along with me so that they will be available.

Mr. BRIGGS. I wish you would.

Mr. GAHN. The bulk tonnage coming from and going through the Lake Superior region is over 100,000,000 a year, is it not?

Mr. SCOTT. During the war, before we lost a number of ships from the Great Lakes, that were taken off and transported to ocean traffic, coming through the St. Marys Canal, which is in my congressional district, we had approximately 110,000,000.

Mr. BRIGGS. One hundred and ten million tons?

Mr. SCOTT. Yes. That is just prior to the war. Of course, you understand, that does not represent the actual carrying tonnage by any manner.

Mr. BRIGGS. You mean at the time we went into the war?

Mr. SCOTT. Yes; before we went in, the amount of tonnage that came into the canal.

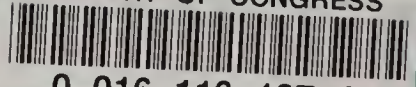
Mr. BRIGGS. You are referring to cargo tonnage. Will your figures show the distinction between cargo and ship registry tonnage? I notice very frequently in the Engineers' reports they carry that distinction.

Mr. SCOTT. I am endeavoring to give you exclusively freight tonnage on the Great Lakes and the exclusively passenger tonnage and the net tonnage which might be classified as joint passenger and freight tonnage.

Mr. BRIGGS. Not only that, but ship tonnage as distinguished from the cargo tonnage. In other words, show the amount of cargo that has been carried, and then the tonnage of the ships that have been actually engaged in carrying the cargo.

(Whereupon the committee adjourned.)

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